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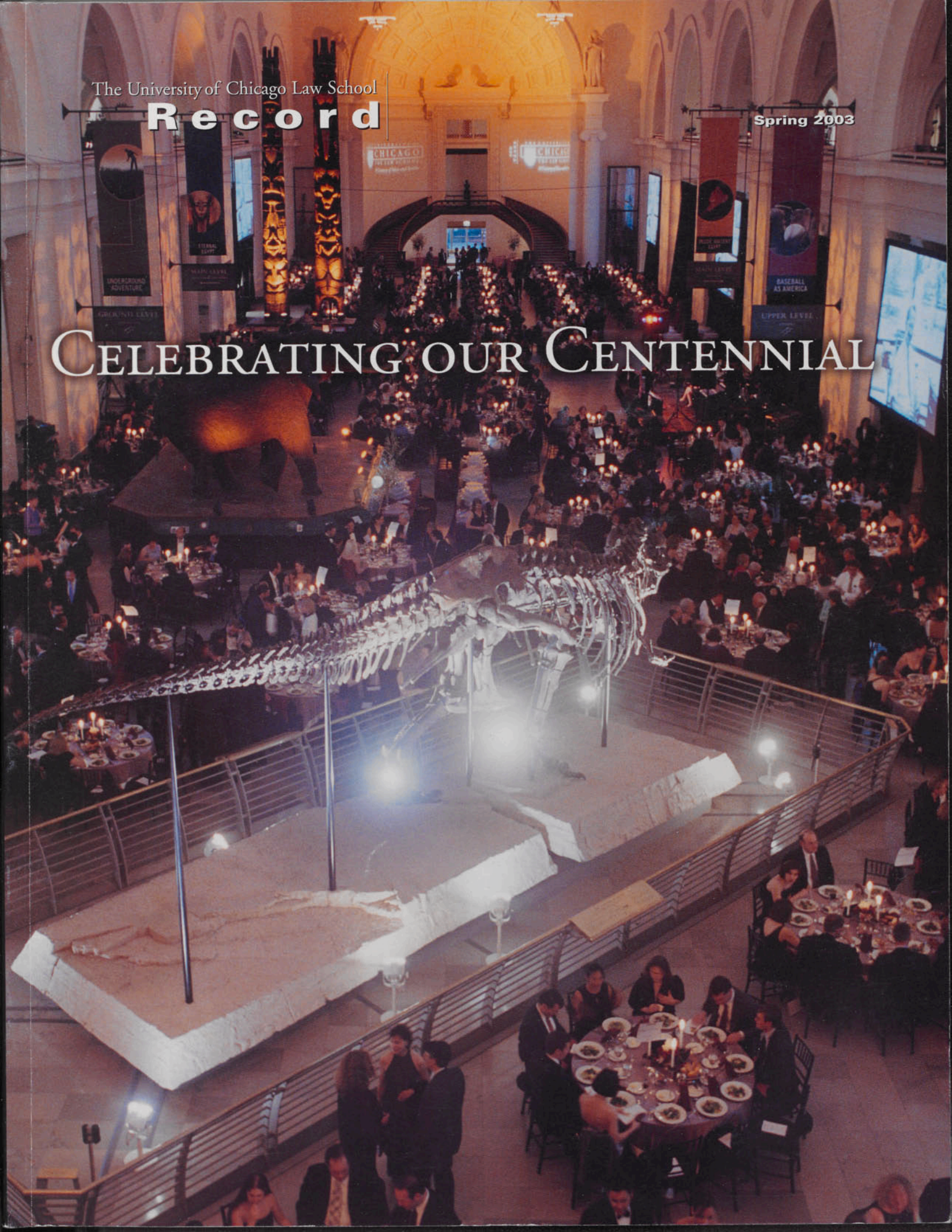
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The University of Chicago Law School

Record

Spring 2003

CELEBRATING OUR CENTENNIAL



The University of Chicago Law School **Record**

Spring 2003

The University of Chicago Law School

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Message from the Dean

In the spirit of the *Record*, and as we wind down this special Centennial year, I thought to share eight Centennial moments with you. I choose eight, rather than the conventional ten, in order to leave space for two more as commencement approaches.

1. There was the moment one looked down from the balcony of the Field Museum to see more than one hundred beautiful tables and 1,200 graduates, faculty, students, and friends



celebrating the Centennial of the Law School. For a school so widely known for its intelligence, skepticism, and leanness, there was something very special about so many festively-dressed celebrants, delighting in one hundred years of excellence and preparing to make many more possible. I know that all of you who could not join us were there in spirit.

2. There was Ronald Coase's

own Coase Lecture delivered to a packed Auditorium eager to ask questions and to experience the warmth and wit of our Nobel Prize Winner. Professor Coase directed his talk to our first year students and reminded them how their ideas, insights, and convictions can be the sources of important advances in how we think about and practice law.

3. A sad and yet inspiring moment in May, when Rockefeller Chapel's bells tolled for Kate Levi, an important influence on our Law School during Edward Levi's deanship and long thereafter. Her warmth, her belief in our community, her strong opinions, and her strength of character inspired us that day and will stay with us for a very long time.

4. A moment repeated perhaps ten times in the course of the spring, as a graduate, or law firm partner, or visiting judge (often known as a tough critic) tells me that there are simply no law students as well-trained, as imaginative, and as valuable as ours. I have now heard this often enough that I have come to believe it—and I never tire of hearing it. These moments are the product of many years of great teaching and a great culture. I look forward to many more, and to helping produce the wonderful minds and persons that occasion these remarks.

5. A moment at the end of our Centennial Gala with hundreds of students in attendance (itself a sign of the current spirit of the Law School) and many students and alumni dancing. The dancing throng could be viewed on numerous huge screens around the Hall (on which a terrific short movie about the

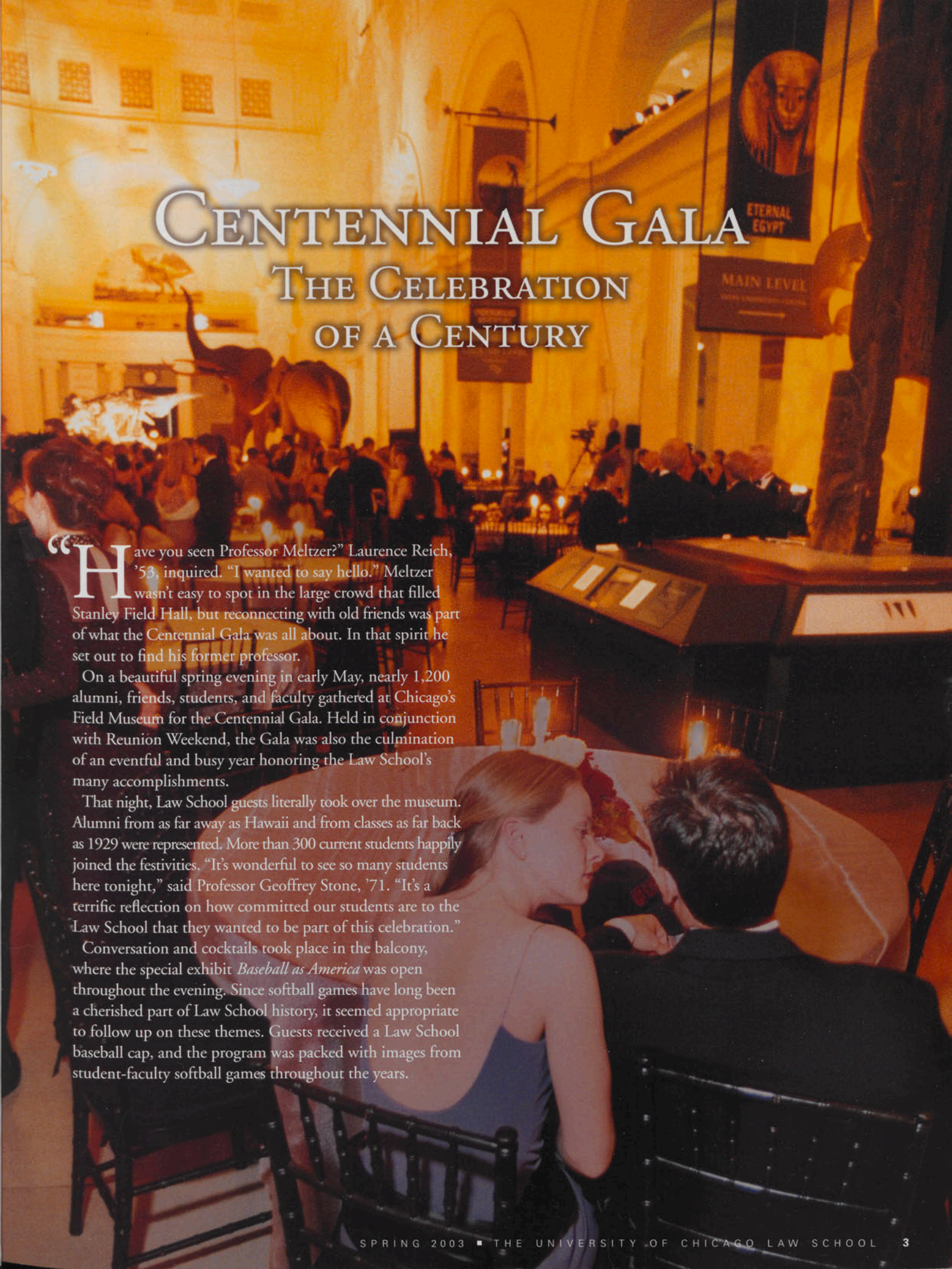
Law School had been screened). As I looked up at a screen, a passing caterer said, "I just love this; it's American Bandstand for nerds." [Author's note: nerd has come to mean studious and thoughtful, rather than conventionally boring, so we found the comment more flattering than insulting. In any event, current students laugh uproariously and lovingly when they hear the anecdote.]

6. The moment I realize that our Centennial Capital Campaign is no longer about to start but is in fact well underway. As you might imagine, I have been traveling and writing letters asking graduates to make special gifts for our special place. (Your turn will come!) And then suddenly it occurred to me that I had not yet encountered a truly negative response. Person after person has heard me say that we must engage in this Campaign because we need resources for student scholarships and because we must sustain our faculty and improve our physical facility. Not one has disagreed. All have been positive, helpful, and inclined to be even more generous. The cumulative effect of these reactions suddenly produces the magical moment when I realize that our Campaign will succeed and that we really will continue to be a great but improving Law School, like none other.

7. The sight and sound of Professor David Currie's remarks at the start of our Centennial Celebration—followed by the adoption, or resuscitation, of his Law School cheer by our students. Picture an intramural game with students on the side (Property books in hand) yelling "Rah Rah, U-Rah, Who Are We? Law School, Law School, U of C." I have been practicing that cheer, even as I ponder whether its chanters are serious or poking fun at the incongruity of it all.

8. It is just before 4 p.m. on a Monday a few weeks ago, and I head to my own Public Choice and the Law class. I have just finished a telephone call with a colleague from another school who tells me that two-thirds of his class was absent because of the delicious weather outdoors. I open the classroom door with some trepidation, because it is our first perfect day of Spring—and there is not a person missing. We go on to have a great class about interest groups and regulatory takings. As I go around the room developing some ideas I realize how lucky I am to be at a place where the students are not only present but well prepared, ingenious, and likeable. Thank you so much.

Saul Lermore



CENTENNIAL GALA

THE CELEBRATION OF A CENTURY

“Have you seen Professor Meltzer?” Laurence Reich, ’53, inquired. “I wanted to say hello,” Meltzer wasn’t easy to spot in the large crowd that filled Stanley Field Hall, but reconnecting with old friends was part of what the Centennial Gala was all about. In that spirit he set out to find his former professor.

On a beautiful spring evening in early May, nearly 1,200 alumni, friends, students, and faculty gathered at Chicago’s Field Museum for the Centennial Gala. Held in conjunction with Reunion Weekend, the Gala was also the culmination of an eventful and busy year honoring the Law School’s many accomplishments.

That night, Law School guests literally took over the museum. Alumni from as far away as Hawaii and from classes as far back as 1929 were represented. More than 300 current students happily joined the festivities. “It’s wonderful to see so many students here tonight,” said Professor Geoffrey Stone, ’71. “It’s a terrific reflection on how committed our students are to the Law School that they wanted to be part of this celebration.”

Conversation and cocktails took place in the balcony, where the special exhibit *Baseball as America* was open throughout the evening. Since softball games have long been a cherished part of Law School history, it seemed appropriate to follow up on these themes. Guests received a Law School baseball cap, and the program was packed with images from student-faculty softball games throughout the years.

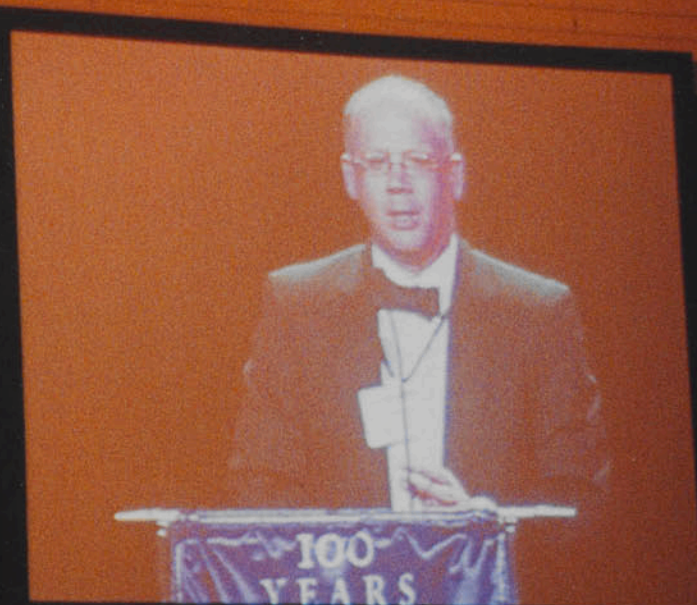


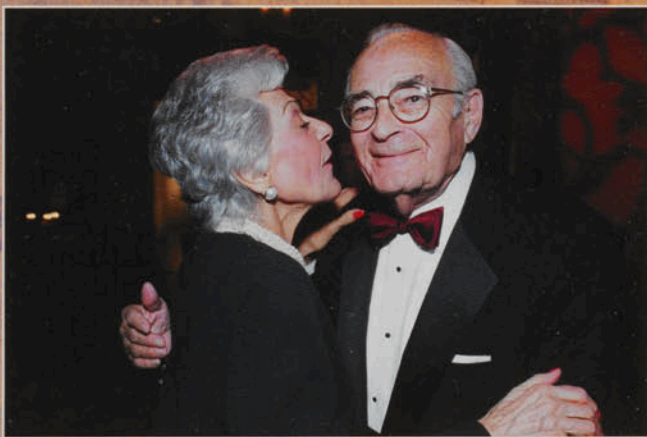
Also visible from the balcony were a series of large screens, hung from the columns in the main hall. A slide show of images from the Law School's photo archive played throughout the reception. The images illuminated moments in our shared history, from portraits of beloved faculty to snapshots of students studying, relaxing at Wine Mess, or skating on the once-frozen fountain. "It was appropriate to have this at the Field Museum," said Assistant Dean Richard Badger, '68, "Seeing myself in some of those old pictures made me feel like a dinosaur."

Following the reception, guests proceeded to dinner in Stanley Field Hall. It was a remarkable sight, that gigantic space completely filled with the Law School community. The sound of lively conversation rose to the vaulted skylights. Student tables overflowed into nearby Rice Hall. Though a bit further from the main festivities, these guests savored their tenderloin in the shadow of the *Maneaters of Tsavo*—a pair of rogue tigers believed to have eaten 130 railway workers in Africa and the basis for the movie *The Ghost and the Darkness*.

After dinner, University of Chicago President Don Michael Randel welcomed the party and wished the Law School another century as illustrious as its last. Dean Saul Levmore







ascended the podium and introduced, for those few who may not have known them, the six previous Law School deans in attendance that evening: Phil Neal, Norval Morris, Gerhard Casper, Geoffrey Stone, Douglas Baird, and Dan Fischel. Levmore also offered his thanks on behalf of the school to the law firms which helped make the Gala possible. And with his characteristic wry wit, he spoke of the Law School's continuing evolution. "We won't become like Sue," he quipped, gesturing toward the Tyrannosaurus Rex skeleton poised at the north end of Field Hall. "One hundred years from now we will still be vital."

Then the house lights dimmed and the short film, *Ideas and Action*, filled the screens. Produced to commemorate the Centennial, the film features a series of different voices and perspectives describing what is unique about the University of Chicago Law School. In turns thoughtful, introspective, and whimsical, *Ideas and Action* examines the forces that combined to forge this unique institution—a loving tribute to a great Law School.

Dancing followed the program; the band played everything from Glenn Miller to Gloria Gaynor. Current students and Reunion classes hit the dance floor until nearly midnight.

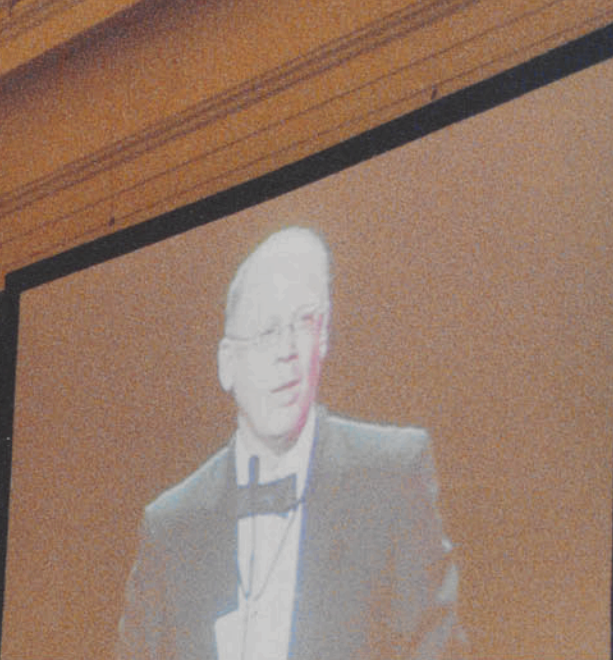
"What a lovely party," Reunion Class Chair Laura Grisolano, '98, commented. "This was the most exciting Law School event I've ever attended."

That was the consensus. Too bad it only happens once every one hundred years.—K.F.






BASEBALL
AS AMERICA







Teaching the Advocate's Role

The Criminal and Juvenile Justice Project

Third-year student Andres Romay hasn't slept much the last few days. He's not feeling tired right now, though, as he waits on a drab bench in a Chicago criminal courtroom—his adrenaline level is pretty high. He's about to appear before a judge for the first time. He and a colleague from the Criminal and Juvenile Justice Project at the Law School's Edwin F. Mandel Legal Aid Clinic crafted a complex pretrial motion that will be presented to Cook County Circuit Court Judge Dennis A. Dernbach, and it will be up to Romay to argue that motion.

The stakes are high for Romay's client: she's accused of murder. Seventeen years old at the time of her alleged crime, she's being prosecuted as an adult. "It's hard to sleep when you're just a law student and someone's life or freedom may ultimately depend on the quality of work you do," says Kristine Crabtree, '04, who worked long hours on the motion with Romay.

One floor above, Shubha Sastry, '03, is also waiting to stand before a judge for the first time. She's less stressed because she'll only be informing Judge Leo E. Holt of a pleading she and her colleagues intend to submit. But her client also faces a dire sentence if tried and convicted—up to life in prison for failing to prevent her boyfriend from killing their twenty-three-day-old daughter. She was sixteen when her baby was killed; she is being prosecuted as an adult.

Herschella Conyers, '83, co-director of the Criminal and Juvenile Justice Project—and recently promoted to the rank of Clinical Professor—has been shuttling between the two courtrooms. Now Conyers approaches Romay and Crabtree, gesturing for them to come with her out into the hallway. There, amid a knot of attorneys, an agreement is fashioned that satisfies, at least temporarily, the issues Romay was prepared to argue.

They return to the courtroom and Romay is soon called before the bench. He briefly and lucidly describes the agreement to Judge Dernbach, who approves it. When the hearing concludes, they all head upstairs to watch Sastry, who, having first received a warm "Welcome aboard" from Judge Holt, also performs her duties expertly.

Leaving that courtroom, Sastry, Romay, and Crabtree pause in the hallway to congratulate each other on jobs

well done. Their education for the day and their services to their clients are far from over, however. Conyers opens a document she has just received: the medical examiner's report about the dead baby's injuries. After moving to a side of the hallway that is well out of earshot of passersby, Conyers quietly and somberly reads from the report, describing several of the wounds and speculating with the students about what might have caused each of them. Agreeing to study the document in more detail later that afternoon, they head for the elevator, only to be halted again by the arrival of the Children and Family Services social worker assigned to Sastry's client. An extended, compassionate discussion about the client's wellbeing ensues.

As they reach the elevator, Sastry asks Conyers why her client's co-defendant and former boyfriend was so heavily guarded when he was brought into the courtroom. Conyers offers several alternative explanations, ranging from a risk of violent behavior to a possible suicide watch. In the

Amid analytical discussions of the plea bargaining process and the appropriateness of this particular plea offer, the students wrestle with feelings, too. Several feel that this young man, "let down by everyone who could have helped him" as one says, has served enough time already. Two of the students are nearly despondent. Although they recognize that without their help the client would probably have been worse off, they can't completely shake the feeling that there may have been more they might have done, or perhaps something they still could do.

Conyers and Stone have, in a sense, abetted the soul-searching these students are now experiencing. Rarely does an hour pass at the Project's offices without one of the directors challenging a student to consider a different way of handling some aspect of a case. "There are always a lot of options," Conyers explains, "and we encourage exploring as many as possible. That's the only way to do a great job as an advocate. But it also means that your feelings are

"You can see the blood drain
from students' faces when they
get assignments like this,"

bustling lobby they find a quiet place to discuss the status of a motion to sever the former boyfriend's trial from that of Sastry's client.

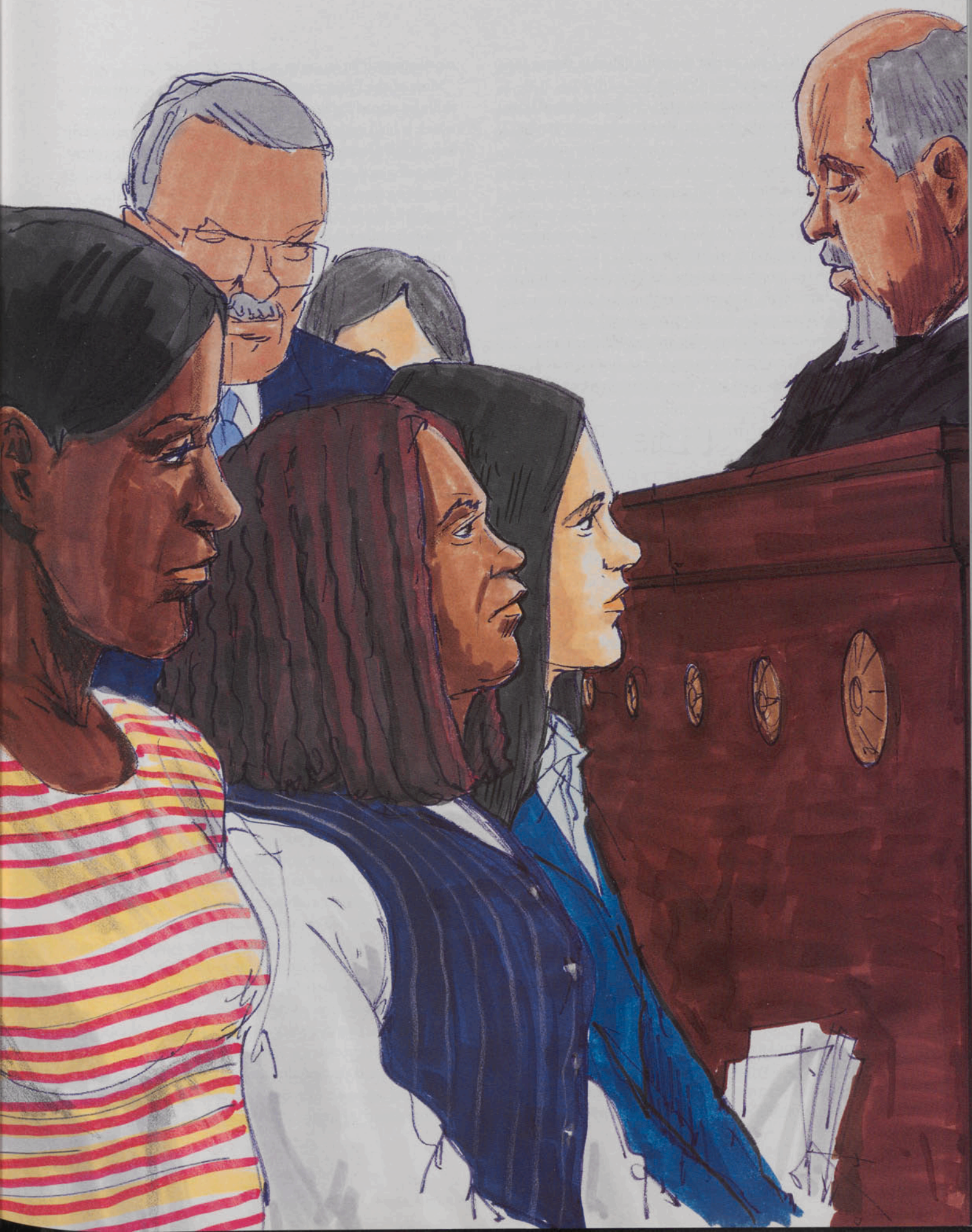
It's past noon as they leave the courthouse. Conyers must hurry back to the Law School for a lunch meeting to track another case. It will be another busy day for her, during which she'll do all the things she routinely does to make this clinical experience one of the best offered anywhere. She teaches, guides, challenges, counsels, chastises, leads, models, and inspires. Along with the Project co-director, Clinical Professor Randolph Stone, she is not just providing an invaluable education in the law and its processes, but also helping students master the inner skills of great lawyering.

In a case conference led by Conyers later that afternoon, several students consider the fact that another client is about to accept a plea bargain. The client has been in jail for three years, accused of killing a man who allegedly sexually abused him from the time he was twelve, recording the abuse on videotapes. The client was seventeen when the crime occurred; he's being prosecuted as an adult. The plea bargain will require him to serve about two more years. If he elects to go to trial and is convicted, he faces at least fifteen more years of incarceration.

going to come into play—once you commit to going all the way for a client, you're always going to be left with a lingering doubt that maybe you didn't explore enough options, or that you might have picked the wrong one. You have to learn how to do your job zealously and still live with questions like that, which can haunt you."

Students may work on as many as three cases simultaneously. A student may remain at the Project for as long as six quarters, in part because supervised third-year students are permitted to practice law in Illinois and Federal courts, and the time they invest as second-year participants in the Project prepares them to handle those cases more knowledgeably. Consequently, the students may develop deep personal attachments to the cases and the clients.

Experienced students share their knowledge and their viewpoints with new team members as team composition and team dynamics change over time. Project participant Adam Schaeffer, '03, observes, "There's a lot of learning here about being an effective colleague: feeling free to say what you think and respecting what others say; being willing to step up and assume leadership in some cases; respecting the leadership of others in other cases; taking responsibility for holding up your end. We learn to make



things work. It's been one of the most valuable things for me about being part of the Project."

Conyers describes another important dimension of how students may develop through their involvement in the Project: "Our students are used to knowing the right answers. They don't like to make mistakes; being wrong is not part of who they are. But sometimes you have to go outside your personal comfort zone and push your personal boundaries in order to do things right, even if someone's going to tell you you're wrong. Or crazy."

On those last words she laughs, an infectious laugh that students hear often, that reminds them that humanity in all its manifestations—including occasional self-doubt and disappointment along with accomplishment and celebration—is not just welcomed here, but expected.

Boundaries are pushed later that afternoon when Conyers

represent a client in court, with supervision.

Most of the Project's students sharpen their courtroom skills by attending the Intensive Trial Practice Workshop, which is held each year in the two-week period immediately before Fall Quarter. Workshop participants role-play every aspect of a trial, with one-on-one supervision from a faculty member, a practicing lawyer, or a judge. The workshop is universally described by those who have attended it as extraordinarily valuable.

Important policy matters emerge regularly, too, since the presence of such an issue is one criterion Conyers and Stone apply for accepting a case. Two current clients, for example, are being prosecuted not for offenses they are said to have directly committed, but under an accountability theory that seeks to convict them for their alleged involvement in a "common criminal design."

"every time I come back to the
Project, I'm reminded of what I
am really meant to do."

tells one team that it must arrange meetings with the next of kin of two young men with whose deaths their client is charged. He's not accused of killing them himself; it is alleged that they were his associates in attempting to burglarize the home of an alleged drug dealer, who shot them. The client, who was fifteen when he was arrested, faces a possible life sentence if he is convicted of participating in a felony during which fatalities occurred.

"You can see the blood drain from students' faces when they get assignments like this," Conyers says, "but it's part of what has to be done. You could duck it, but then you wouldn't be doing your job. And when they do it, they often learn something very interesting. Sometimes they're the first people who have even talked with someone very close to the case, very deeply affected by it. So they can have a positive role—not an easy one, but a healthy one—in closing the circle and helping people deal with tragedy. That's a lot to ask of a young law student, but it can be a tremendous growth and learning experience."

The learning experience at the Criminal and Juvenile Justice Project of course includes rigorous training in all practical aspects of pre-trial and trial procedure. Students interview clients, investigate facts, negotiate with adverse parties, conduct discovery, draft briefs, and draft legislation. Virtually every third-year student has the opportunity to

"This theory has been on the books for a long time," Conyers says, "but it has been pulled out lately and applied to juveniles, who are then tried as adults, with draconian mandatory sentences. Do we really think fifty years in jail is the proper sentence for a sixteen-year-old girl who didn't, or couldn't, stop her baby's father from killing it? What do we imagine that policy really accomplishes? How does it relate to all we know about moral development in young people? There's even a question about whether a person this young can really contribute to his or her own defense in a way that meets Constitutional tests."

Last year, Stone and two Project students successfully challenged the constitutionality of the mandatory life sentence handed down to a fifteen-year-old who was convicted, under accountability theory, of passive participation in a double homicide because he had served as an unarmed lookout. The trial court found the sentence unconstitutional (and sentenced the young man instead to fifty years in prison), and the Illinois Supreme Court unanimously affirmed that holding, saying in part:

[W]e hold that the penalty mandated by the multiple-murder sentencing statute as applied to this defendant is particularly harsh and unconstitutionally disproportionate. We agree with defendant that a mandatory sentence of natural life in prison with

no possibility of parole grossly distorts the factual realities of the case and does not accurately represent defendant's personal culpability such that it shocks the moral sense of the community.

A unique collaboration with the University's School of Social Service brings a multidisciplinary component to the student teams, helping them to better serve their clients and better address the related policy issues. With guidance from the Clinic's Social Service Coordinator, Michelle Geller, social-work graduate student Melissa Adams participates alongside the law students, preparing social histories of clients, providing supporting documentation for pleadings, attending meetings with clients, and sometimes offering ideas for legal strategies, particularly concerning mitigating circumstances.

"You can call this education holistic, in many senses," says Jennifer Marion, '03. "We deal with our clients as whole people, not just as 'cases.' We approach their cases within the larger frameworks of the criminal justice system, the Constitution, and public policy. And we ourselves bring more than just our heads to the cases, we bring our hearts."

How will their experience at the Criminal and Juvenile Justice Project affect the students in their legal careers? It is instructive to hear how recent graduates assess the value they gained from their involvement. Daniel Spector, '01, joined a New York firm after graduation. He says, "When you're just starting out with a firm, there are a lot of things to worry about and deal with. It felt like a great advantage to me to arrive with a clear and compelling understanding of the advocate's role and how to fulfill that role with skill. Not just skill," he continues, "but a sense of joy and pride. Herschella and Randolph model all that. I'm grateful to them."

Eleanor Roos, '02, who now works in the Illinois State Appellate Defender's Office, says her time at the Project affirmed her commitment to work within the criminal justice system, and that Stone and Conyers have helped her make the most of it: "So much of what I see in my work is so harsh; it can get you down. But Randolph and Herschella always seemed to know when to take things very seriously and when to lighten up. You need that balance. And of course it goes without saying that the practical skills we all learned are a great advantage, here or anywhere."

Most of the students in the Criminal and Juvenile Justice Project will go on to work for firms after graduation, but wherever their careers might lead them, they have been affected enough by the Project to know that they want to continue helping people in need. Like several others, Xochitl Arteaga, '03, says that availability of pro bono work was a significant factor in her decision about what firms to interview with and, ultimately, which offer to

accept. Before Amanda Jester, '03, reports for her firm job next fall, she will spend the summer with the International Justice Mission, which addresses oppression around the globe. "Working with the Justice Mission is probably not something I would have seriously considered before I worked here at the Project," Jester says, adding that she has had her eyes opened to many things through the weekly visits that she makes to the jail just to talk with one of the Project's clients.

Remarking on her own experience, Elizabeth DeLisle, '03, expands on Jester's observation: "Some of us come from privileged, somewhat sheltered backgrounds. You can read cases about injustice or see and hear about it in the media, but one visit to the courthouse, the jail, or the juvenile detention center creates an indelible image of a world you may have heard about or read about but never really knew. You can't really know it until you've experienced it."

At least one current student has arrived at a steadfast commitment to serve within the criminal justice system. Traci Belmore, '04, has determined that she will become a juvenile court judge. She is learning everything she can to help her secure such a job and perform it excellently. "Like everyone, I was enticed by the possibility of working at a big firm," Belmore says, "but every time I come back to the Project, I'm reminded of what I am really meant to do."

Herschella Conyers knows that the forces leading any person to devote his or her talents and energies to the criminal justice system can be unpredictable. Her own desire to advocate for defendants, for example, began taking hold when she was a young girl growing up on Chicago's south side, and her father took her to see the movie *I Want to Live!* The fact-based film follows a woman, accused of a murder she insists she did not commit, through the criminal justice system until her eventual execution in California's electric chair. (Susan Hayward won the Best Actress Academy Award for her portrayal of the central character, Barbara Graham.)

"I came out of that theater wanting to keep injustice from happening," Conyers recalls. "I wanted to defend people."

That impulse was strengthened when Conyers saw another film with her father: *Adam's Rib*, in which Katherine Hepburn defends a woman accused of attempted murder. "At some point in that movie, Hepburn said the word 'certiorari,'" Conyers remembers, "and I decided then and there that I definitely wanted a job where you could do good and say 'certiorari,' too."

Then she laughs. And it's impossible not to laugh with her, in wonder at the ways, small and large, by which lives can be changed.—G. de J.

Security in **Simplicity**



by Richard A. Epstein

It is a very great honor to be asked to give a few remarks on the occasion of this distinguished convocation, even in these uncertain and perilous times. In more peaceful and joyous times, I have no doubt that Kofi Annan, the estimable Secretary General of the United Nations, now otherwise engaged, would have been able to come to Ghent to claim his richly deserved honorary degree. I am equally confident that he would have stood on this podium to deliver some well-chosen remarks about the United Nations's precarious diplomatic task of obtaining and maintaining collective security on our most divided planet. But he would have, of course, begun by offering his cordial thanks to the University of Ghent and its distinguished faculty, who have bestowed on us the honorary degrees that we receive today.

I wish I had the knowledge and insight to speak directly to the epic decisions of war and peace that too often divide the United States from its long-standing European allies. But I do not. My professional expertise starts with the cross between legal and political theory, and concerns questions of economic and social regulation. Accordingly, I shall address the great question of security from this more remote academic vantage point.

To do so, I will address two interlinked terms: simplicity and security, in order to show how the former promotes the latter. Simplicity urges us to make sure we concentrate our limited resources on a few well-defined tasks, with clear and measurable outputs, which are most important for government to achieve. For its part, security stresses as its core element defense against aggression and, parenthetically, such dangers as pollution and communicable diseases. These allow us to create a durable legal framework that

makes it possible to achieve world peace through free trade.

In many high places, this thesis is not a popular one today. But remember that the protection of bodily integrity is not achieved behind high tariff walls, either in the United States or the European Union. Too often we erect trade barriers (such as the American tariffs on imported steel) while glossing over the question of "security against what." All of us crave security, but we must craft our objectives carefully, lest security for some creates greater insecurity for others.

In taking a simple, but not simplistic, approach to this security, we must put first things first. The first order of business, domestic or foreign, is to protect citizens against bodily assaults and attacks by other persons. Self-preservation is not the only aspiration of a civilized society, but it is, as Hobbes and Grotius have long noted, the *sine qua non* for any and all individual or collective pursuits. Achieving this simple end, however, is no simple task. The clever aggressor does not only bludgeon his opponents, often the credible threat of force alone allows him to achieve his ends.

Abstractly, it's always possible to postulate some self-reliant individual who deludes himself into thinking that he is better off in the war of all against all than he is under some collective guarantee of civic peace. But such foolhardy souls are few and far between. The original social contract theorists had the right insight: all individuals gain more when they sacrifice their "liberty" to attack others in exchange for security against the like attacks of others. That proposition generalizes well from small communities to large societies.

Yet that simple aspiration is unattainable in many portions of the globe today, for much remains to be done to turn this well-nigh universal aspiration into a series of stable

Remarks delivered at Honorary Degree Convocation, the University of Ghent, March 21, 2003. Professor Epstein was asked to give this speech when Kofi Annan, Secretary General of the United Nations, was unable to appear because of the war in Iraq.

social practices. Bitter experience teaches that only force can counter force; yet placing all power in the hands of a single person, unrestrained by the rule of law, only works the unhappy swap from anarchy to tyranny. We have to therefore invest heavily in institutions that turn this simple directive into the practicable and sustainable world of ordered liberty. We are driven into extended discussions of the use and limits of the principle of self-defense: when may force be used in anticipation of harm, how much force is excessive. These matters were as urgent to Locke and Grotius as they are to us. No matter how hard we try some error will creep in when we seek to balance the risks of moving too precipitously with those of not moving at all.

In the end it is only with the separation of powers, and checks and balances between the branches, that we can hope our political institutions will strike the right balance. Exactly how these powers are divided and checked is a point for intelligent debate that might address the relative desirability of Parliamentary versus Presidential governance. These issues do not get any easier in countries that have been driven apart by ethnic conflict and the distrust that it creates. But no matter what form is chosen, we need a judiciary that is free from corruption and bias to enforce these commands, and we must accept that some taxation, equitably distributed, is the price we pay for both liberty and security.

Our initial object lesson is that the path to the simplest and most indispensable notion of security is fraught with obstacles. In western democracies, we take justifiable pride in the belief that we have solved the problem of order writ large. But as we look around the world, we must recognize that many nations and people have failed, or have been thwarted, in their efforts to achieve this goal. We should be

humbled into recognizing that the business of achieving the minimal state, as some political theorists have termed it, is no small undertaking.

How far then should it go? One imperative extension is the security of exchange allowing every trader that if she keeps her part of the bargain, the law will hold the other party to his. Moral philosophers worry, in my judgment, too much about the "moral" force of promises without recognizing that their enforcement works to achieve gains from trade by allowing greater flexibility in exchange over time. This point should not be construed solely in narrow economic terms, for free trade has far broader implications for security. Let the opportunities for voluntary exchange be blocked, and the returns from private violence seem more attractive. We should therefore expect to see some movement from the world of joint consent to the world of unilateral aggression. Limit free trade, and we shall struggle to form those intermediate voluntary organizations that mediate between the individual and the state. Limit the gains from trade, and we will shrink the resource base available to fund and monitor those institutions needed to preserve social order. That inescapable perception of a shrinking economic pie will, in turn, set haves and have-nots against each other. Material prosperity offers its strong contribution to civil peace domestically, and the same arguments play themselves out in the international arena. War is less likely to break out between nations that have healthy systems of voluntary trade between them. Each nation will have domestic blocs that will lose from the conflict, which they will accordingly oppose.

This far we should take the notion of security. But how much further? Here in both the European Union and the United States, a common aspiration is the dream of obtaining



Security in Simplicity

a modern system of social security that goes beyond protection of bodily integrity and voluntary exchange. It hopes to insulate through legal rules a safety net that secures all individuals against misfortunes that have no human origins, or even those which are in some sense self-inflicted. These new forms of protection are in some cases specific: farmers clamor for a guaranteed price for their crops. Workers demand guaranteed wages and protection against dismissal. But remember, these new obligations do not increase security in a systemwide sense. As Friedrich Hayek reminded us in *The Road to Serfdom*, we can say with mathematical certainty that any effort to create extra security against the fluctuations in

nature result in superior fortune for some but increases residual insecurity for others. If farmers have guaranteed returns, come

rain or shine, then city dwellers must bear the risk of weather, against which they are less able to plan and guard. If workers are given guaranteed positions, then their fixed claims against the wealth of the firm poses greater risks to shareholders, which cannot be fully diversified away.

Note, too, the ominous long-term consequences. The effort for selective security can lead to an erosion of some simple rule-of-law guarantees that were once thought inviolate. Retroactive statutes are more easily justified, as are selective impositions of taxes and regulations on certain disfavored groups. Second, the state must divert its limited resources from the protection of bodily integrity and voluntary exchange. The finest minds in the nation are now preoccupied with defining the word "hour" for the minimum wage law or with selecting which crops are entitled to agricultural supports. Third, as should be evident in many parts of Europe today, these ever higher levels of protections lead to declining levels of productivity, higher levels of unemployment, and

greater levels of social unrest. The influence of lobbyists likewise increases because there are more opportunities for legislative mischief. The United States and the European Union pursue the case for expanded economic security in different ways. We are partial to extravagant judicial enforcement; you favor powerful administrative decrees. On balance, the economic dislocations seem larger on your side of the Atlantic, but neither of us should take comfort for our own blunders in the errors of the other.

What then can we do to roll back the tide of increased expectations for insulation against all forms of insecurity? No quick cure comes easily to mind. Indeed it is very difficult


to unravel entitlement programs once these are put into place. New entitlements breed new interest groups that will defend

"How far then should it go? One imperative extension is the security of exchange allowing every trader that if she keeps her part of the bargain, the law will hold the other party to his."

their hard-won rights no matter how great the dislocations from boycotts and strikes. Organizing the transition back to a simpler and more secure legal order is the work of a lifetime. Rolling back legal protection to the core requires individuals to be realistic about the few possibilities and the multiple limitations of social engineering.

Unfortunately, if we lose sight of those fundamental principles of social order, then we shall continue down the current path toward stagnant growth and political discord. To succeed we must be confident enough in our social judgments to limit our aspirations to get still more from the state, not an easy task in the face of constant calls for bold new social initiatives. Ironically, we have to learn to abandon great ambitions. We must aim low in our objectives, while being sure that we hit the target. That is the challenge of our generation, as it will be the challenge of the generation that follows us.





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A Century of Ideas and Action:
THE UNIVERSITY OF CHICAGO LAW SCHOOL



Apathy Triumphs Again

by Laura Warren

TTrue sports fans recognize a dynasty; New York, for example, has the Yankees, Tennessee hosts Lady Vols' basketball, and for those among us who appreciate athletes in Speedos, California boasts the Stanford swimming team. "What about Chicago?" you ask. "Ha, ha," laughs the world. With a paltry post-Jordan Bulls franchise and a Bears season that motivated one liberal classmate to lobby in favor of "corporal punishment for crappy offensive coordinators," it might appear that Chicago has no place on the dynasty map.

But unbeknownst to many (OK, almost everybody) the University of Chicago Law School houses the city's oldest and brainiest athletic powerhouse: a women's intramural football team ironically named Apathy. Since 1991, Apathy has racked up eleven University-wide championships, earned at the heels of eleven consecutive winning seasons. No sports team in the world can lay claim to a similar decade-plus winning streak.

Just how do we do it? Brains, brawn, and laughter. "We recruit everyone," explains defensive line veteran Diane "I'm Gonna Ring Your" Bell, '03. "We don't expect football experience. Once women commit, we teach the basics and encourage them to find the right personal balance between fun and violence." For some more than others, that balance is a bit one-sided. "Blocking is key," says coach and article author Laura "Let's Go To" War-ren, '03. "When in doubt, hurt someone."

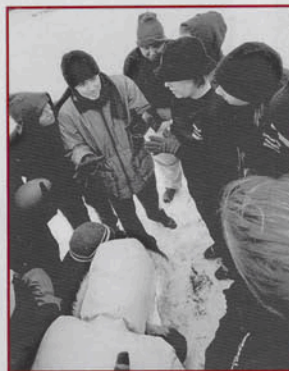
The team's unorthodox strategy is supplemented by weekly practices and an embosomed playbook reminiscent of Coach Kline's coveted green notebook in *The Waterboy*. Approximately fifty index cards connected to a single key ring outline various passing and rushing routes, ranging from the traditional Cornhusker option to the unnecessarily complicated reverse "flea-flicker." During games, the quarterback consults the playbook in the huddle and directs her players accordingly. At the end of each season, the book is passed on to a trustworthy 2L to hold in safekeeping for next year's assault.

The resulting combination is a foolproof formula for success, offering opportunities to "kick some ass, pummel some undergrads, and bond with classmates," states one-time linesperson Jennifer "Maiming" Marion, '03, while simultaneously destroying the gender monopoly of males in football. In April, the *Chicago Maroon* named Apathy to its top ten list of campus intramural football teams for either sex. "Apathy is a great opportunity for the women of this law school," says long-time fan Dean Cosgrove, who joins with Dean Badger each post-season to reward the team with a celebratory dinner.

With several returning veterans and a rookie class willing to take the big hits (thanks for the bruises, Amy "Yes, I Am Made of Steel" Crawford, '04), the future of the team looks promising. Team leaders have even begun plans for expansion: for the past two years, Apathy has fielded championship basketball and soccer intramural teams, and recently players transformed Apathy into the school's first official student organization dedicated to fostering interest in women's sports. Co-presidents Liz Bornstein, '04, and Warren hope to explore other intramural sports, introduce law students to local women's sporting events, and encourage coaching and mentoring of future athletes in the local community.

Of course, football will remain the staple sport of the organization. "It's a much healthier outlet for my competitive nature than law school," explains quarterback sensation Laura "Is She Related to Brett Favre?" Kamienski, '05. Facing the challenge of a twelfth undefeated season and providing refuge for the weary Chicago sports fan, our own Law School Apathy is anything but.

Reprinted with permission from the November 2002 *Phoenix*, published here with updates by the author.



Laura Warren (center) offers inspirational advice to drive the team to victory—something to the effect of: “Let’s win before we all get frostbite!”



A rowdy crowd of students, deans, and players celebrated from the sidelines while drinking hot chocolate generously provided by the Office of Career Services. Players include, from left, Faith Park, '04, Alyshea Austern, '05, Amy Crawford, '04, and Lauren Cundick, '04.

For the final play of the championship game, Apathy busted out its famed “flea flicker” play. Quarterback Laura Kamienski, '05, (front right) makes a lateral pass to running back Laura Warren, '03, (center), who fakes the option run up the sideline and then instead goes for the long pass. Lineswoman Diane Bell, '03, (deep right) caught her first and only career pass for the 2-point conversion.



Evil Dean Cosgrove and evil Andy Baak celebrate their victory—prematurely.

Jill & Fred's Centennial Adventure

20th Annual Law School Musical

Following the adventures of two enterprising first-year students on a tour through Law School history, *Jill & Fred's Centennial Adventure* was the twentieth annual Law School musical. Jill and Fred must save the Law School from a comically evil Dean Cosgrove and her third-year flunky, Andy Baak, who scheme to move the Law School to Florida. Jill and Fred's only hope is to bring to the present day figures from the Law School's past who can convince the faculty that the Law School belongs in Chicago. Luckily, they have been supplied with a time-traveling automatic teller machine by a future version of Richard Posner.

A skewering of Centennial mania and Law School stereotypes, *Jill & Fred's Centennial Adventure* played to sell-out crowds February 21 and 22, 2003.



Kaiser Wilhelm, as played by Mark Pickering, '05, had nothing whatever to do with the Law School's history.



"What big earnings potential you have!" murmurs The Playa, played by Carol Lin, '05, to The Gunner, played by Joel Whitley, '05.

Steve Seem, '05, as Disco Geoffrey Stone.

One! Hundred Years of Law School

(to the tune of "One!" from *A Chorus Line*)

One hundred years of law school
Right here at the U of C
Snow, cold, and isolation
Since nineteen hundred and three
One class and suddenly no other school will do
It's clear we're so much better than N.Y.U.

Your first time in the Green Lounge
And you are in paradise
For they're serving beans and rice
And beer!
Cheer!
Ooh! Ahh! Give us your tuition,
We've got both ideas and action! U of C!

One hundred years of thinking
Government's a bunch of crap
One hundred years of drinking
At Jimmy's Woodlawn Tap
Dean Cos and Andy Baak thought they could
take us down;
But Jill & Fred saved the day from those
evil clowns.

One hundred years from now we'll
Still be here in old Hyde Park
The library will still be dark
And cold,
Old!
Ooh! Ahh! Give us your tuition.
We've got both ideas and action! U of C!



Jill, played by Alyshea Austern, '05, and Fred, played by Eric Mersmann, '05, celebrate upon saving the Law School from the twin horrors of surf and sun.

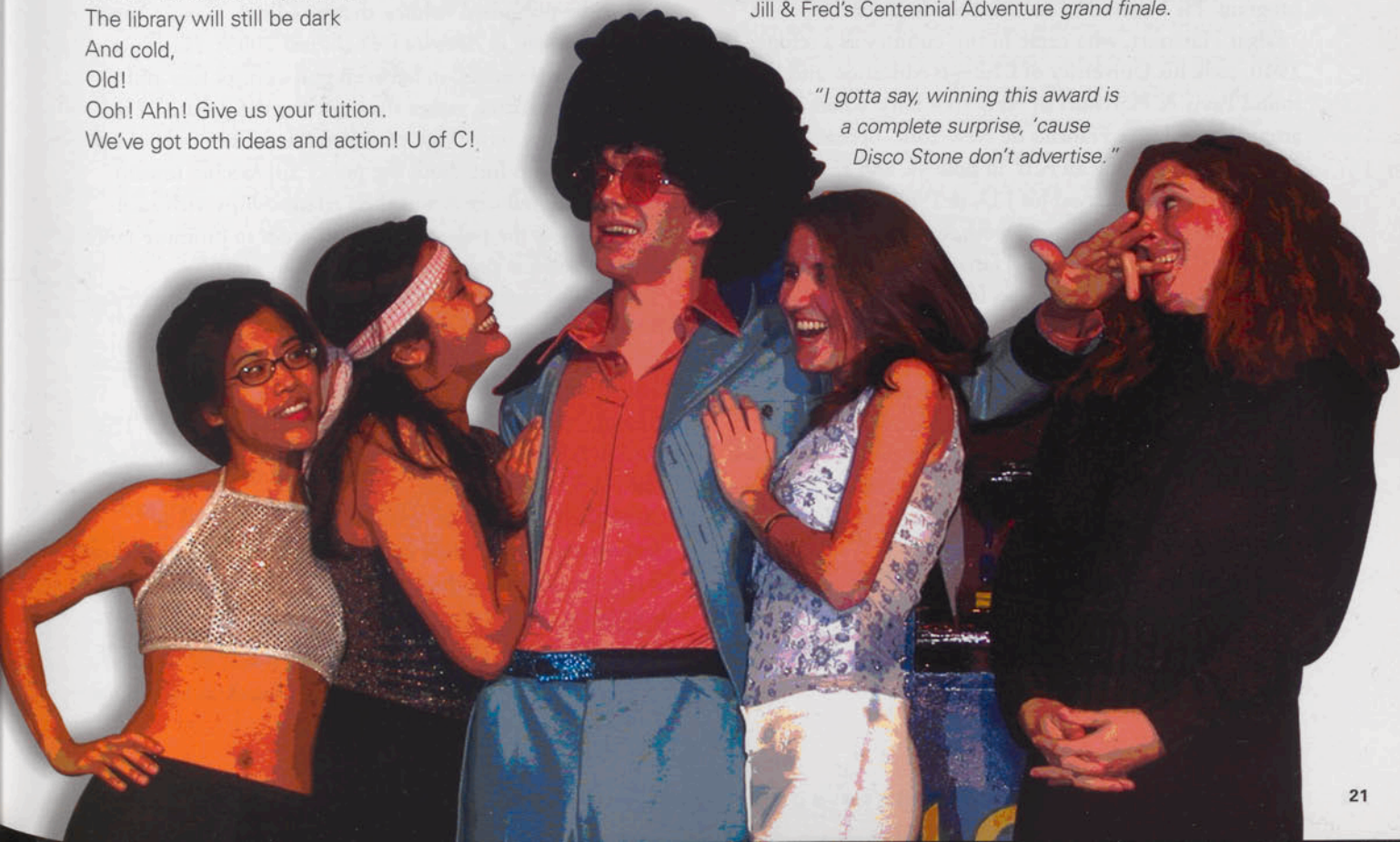


Evil Dean Cosgrove, played by Melanie Rowen, '04, and evil Andy Baak, played by Rob Dart, '04, plot to move the Law School to Florida.



Jill & Fred's Centennial Adventure grand finale.

"I gotta say, winning this award is a complete surprise, 'cause Disco Stone don't advertise."



New Faculty Profile: Bernard E. Harcourt

In the year that the Law School celebrated a century of ideas and action, it appointed a young professor with a particular focus on the interplay of idea and action, of theory and practice. "I have two backgrounds that are integrated and that reinforce each other," says Bernard Harcourt, who began his tenure as professor of law in January. He refers to his four years of down-and-dirty capital litigation in Alabama, and his doctoral work in political and social theory. "What is characteristic of my approach," he says, "is this bringing together of both practice and theory."

The University of Chicago has a strange familiarity to him, despite the fact he never attended. "I grew up in a household where the names Robert Maynard Hutchins and Edward Levi were spoken with reverence," he remembers. His father, Edgar Harcourt, '52, attended the College and the Law School. "I remember growing up hearing stories about Soia Mentschikoff and Karl Llewellyn and not knowing who they were at the time, but realizing they were larger than life," he says. "My father loved the Great Books program. He believed in traditional education."

Edgar Harcourt, who came to this country as a refugee in 1940, took his University of Chicago education and helped found Pavia & Harcourt in New York City, where Bernard attended the Lycée Français de New York. Bernard went on to Princeton, earning an A.B. in politics, and Harvard Law School, where he received his J.D. in 1989. Before returning to Harvard to pursue doctoral work in political science, where he received a Ph.D. in 2000, Harcourt spent four years representing death row inmates in Alabama with the Equal Justice Initiative.

"It was a pretty hardcore practice," he recalls. "It was a small, not-for-profit law center in Montgomery, Alabama. We were four lawyers without much support staff. The result was that I was responsible for all aspects of my cases, including investigation, writing, litigation strategy, producing briefs and filing them." He still represents two clients from his time at the Equal Justice Initiative.

Harcourt identifies three phases to his scholarship. First came his study of order-maintenance policing and the "broken-windows" theory that brought it forth. His analysis

of the controversial approach to reducing crime is detailed in *Illusion of Order: The False Promise of Broken Windows Policing* (Harvard University Press 2001), a book which showcases Harcourt's method of bringing theory to the facts. Initially, Harcourt describes the influence of the broken-windows theory on law enforcement techniques and the resulting changes in street enforcement. Then he conducts his own social scientific testing of the evidence, using quantitative methods on data collected on neighborhood disorder and crime. Finally, he places the broken-windows theory in a larger context, describing "a gradual shift toward harm-based arguments that encouraged people who were trying to clamp down on certain phenomena (like pornography, prostitution, alcohol consumption, and drug use) to argue that they are harmful rather than morally wrong or to be avoided...I argue in the book that that's part of the debate over loitering and panhandling. Those practices are now viewed as positively harmful. There's been a shift from viewing them as a public nuisance."

The second phase, undertaken while Harcourt was an associate professor of law and philosophy at the University of Arizona, seeks to bring facts and theory to a field long obscured by emotion and bluster: guns in America. In a soon-to-be-published volume that he edited, *Guns, Crime, and Punishment in America* (NYU Press 2003), Harcourt says that the polarization between gun-control foes and advocates "obscures, rather than clarifies the debate." He calls for "first a better base of information," not only of raw facts about guns but about the policy approaches toward gun-violence reduction and their relationships with each other, "to link the policy research in order to promote more concrete and less polarized debates about guns."

For his own contribution to the book, Harcourt interviewed incarcerated teenaged boys, using a free-associational technique, about their impressions and feelings about guns. Using some analytical tools of social science, Harcourt attempts "to map out the symbolic meaning of guns." This research is part of a draft book manuscript titled *Strapped Tight: A Semiotics of Guns*.

After the University of Arizona, Harcourt visited at Harvard and NYU before coming to the Law School, where he is currently in the third phase of his scholarship. "I'm focusing on the role of the actuarial in criminal law," he says. As he explained at this year's Katz Lecture and a subsequent



Bernard Harcourt

article (see sidebar), the implications of predicting criminality by statistical data raises troubling questions about criminal profiling that may help explain why we incarcerate minority populations at rates far higher than their representation in the population.

Harcourt, his partner, Mia Ruyter, and their two children are new residents of Hyde Park, but small familiarities are

turning it from the idea of place from his childhood to an actual place to call home. "We just saw a terrific Emmanuelle Antille show at the Renaissance Society," says Harcourt. "My partner's an artist, and just last year she curated a show that included some works by her." And his father "actually lived in Burton-Judson Courts. It's nice to feel that he's around."—K.H.

The Shaping of Chance:

Actuarial Models and the Criminal Law

The field of criminal law experienced radical change during the course of the twentieth century. The dawn of the century ushered in an era of individualization of punishment. Drawing on the new science of positive criminology, legal scholars called for diagnosis of the causes of delinquency and for imposition of individualized courses of remedial treatment specifically adapted to those diagnoses. At the close of the twentieth century, the contrast could hardly have been greater. The rehabilitative project faded away, replaced in the latter third of the twentieth century by fixed sentencing guidelines and mandatory minimum sentences.

These changes were accompanied by a sharp increase in the number of persons in federal and state prisons—up from less than 200,000 in 1970 to about 1,400,000 in 2001, with another 600,000 persons held in local jails. In addition, African-Americans began to represent an increasing proportion of the supervised population. Whereas African-Americans represented 23.1 percent of new admissions to state prisons in 1926, the number had increased to 51.8 percent by 1991.

Legal scholars, criminologists, economists, and social theorists have offered numerous interpretations to help explain these large social trends. In this essay, I would like to explore one possible explanation that has received far less attention. I call it the will to know the criminal, the desire to predict his criminality. It is the drive to operationalize and model future criminal activity in the simplest way, the quest to more easily predict the likelihood of criminality, the search for more efficient responses to the expectation of crime.

This is an edited excerpt from Bernard E. Harcourt's Centennial Tribute Essay, "*The Shaping of Chance: Actuarial Models and Criminal Profiling at the Turn of the Twenty-First Century*," 70 *The University of Chicago Law Review* 105 (2003).

The twentieth century experienced a gradual refinement of the actuarial methods used in criminal law. Statistical models were, paradoxically, the source of the turn to individualization in the early twentieth century. What we experienced over the course of the century was not the creation or emergence of actuarial models, but rather a narrowing of the variables used in the models. The statistical models focused in on certain key predictors of crime—specifically, on the prior criminal history of the accused. Over time, fewer and fewer factors were taken into account, and by the end of the twentieth century many of the statistical tools focused narrowly on prior delinquency and offense characteristics, rather than on the social, familial, and neighborhood background variables that had been such an integral part of the rehabilitative models.

The structural transformation of criminal law during the twentieth century, then, is neither an evolution from a romantic ideal of individualism to an actuarial model, nor a gradual shift from a clinical to a statistical *episteme*. It is, instead, the development and refinement of an actuarial approach to criminal law that was the kernel of the turn to individualization in the early twentieth century, that initially took the shape of a clinical model by default, and that gradually matured into the style of criminal law characteristic of the early twenty-first century—one that focuses increasingly on the prior criminal record of individuals.

This raises a number of significant questions. One, in particular, is whether the refinement of the actuarial models used in the criminal law has contributed to the increasing racial imbalance in the prison population. Is it possible that narrowing the focus of predictive models onto one variable—here, prior criminal history—could aggravate the racial disproportionality of the

carceral population? The answer, I will suggest, is very possibly yes, under certain conditions, if the variable of prior criminal history correlates increasingly with race—in other words, if the variable of prior criminal history begins to serve as an unintended proxy for race.

Under certain conditions, if we identify a correlation between a group trait (for example, prior criminal history or any other group trait, such as gender, race, religion, or geography) and criminal activity, and then target our law enforcement interventions on the basis of that one trait, the paradoxical effect may be that the correlation itself gets reinforced over time. This is true whether the criminal profiling is perceived as legitimate or not, whether it is a response to differential offending rates or whether it reflects purely malicious selective enforcement.

What are those conditions? They are conditions that seem to characterize well the existing field of crime and punishment. The conditions include, first, limited law enforcement resources; second, an abundant supply of criminal activity; third, and related to the first two, relatively low elasticity of crime to policing; and fourth, unreliable measures of natural offending rates, resulting in habitual reliance on police data (arrests, informants, intelligence) to gauge the extent of street crime. Under these conditions, it is probable that focusing on one predictive factor, such as prior criminal history, is going to compound the relationship between that factor and crime. And when that factor correlates increasingly with race, the effect may well be to aggravate the racial disproportionality in the carceral population.

This can be demonstrated with a simple computation, relying on a few basic assumptions about criminal profiling. In the criminal profiling context, most people share an intuition that if members of a certain identifiable group are offending at a disproportionately higher rate than their representation in the general population, then it is only fair to target law enforcement resources in relation to their disproportionate contribution to crime rather than to their representation in the general population. In other words, if members of an identifiable minority group represent 25 percent of the population, but 45 percent of the offending population, many believe that it is only fair to expend about 45 percent of our law enforcement resources on members of the minority group. So, in New York City for instance, former police commissioner Howard Safir justified the disproportionate stops of African Americans and Hispanics by pointing to the disproportionate commission of crimes by minorities, arguing that allocating resources along those lines is not discriminatory. "The ethnic breakdown

of those stopped-and-frisked in the city as a whole," Safir emphasized, "*corresponds closely with the ethnic breakdown of those committing crimes in the city.*" The same intuition would apply, for example, to tax audits of the wealthy: if the wealthy are engaging in tax evasion at a rate higher than their proportion of the general population, many would argue that we should audit their tax returns at a proportionally higher rate.

A relatively simple computation will show, however, that this intuition—if implemented in a world of scarce law enforcement resources, plentiful criminal activity, and low elasticity of crime to policing—may be self-confirming. It may lead to increasing disproportionality in our incarcerated populations along the trait that is being profiled. Imagine a metropolitan area with one million inhabitants, where 25 percent of the population or 250,000 persons belong to an identifiable minority (I will refer to this group as "minorities") and the other 75 percent or 750,000 persons do not (I will refer to this group as "majorities"). Assume that the incarcerated population from the city consists of 5,000 persons (a rate of 500 per 100,000, which is only slightly lower than current levels), that 45 percent of those incarcerated persons or 2,250 persons are minorities, and that the other 55 percent or 2,750 persons are majorities. And assume that the incarceration rates reflect offending rates much more than intentional discrimination—in other words, that minorities represent about 45 percent of offenders, majorities only 55 percent. What this assumes, naturally, is that minorities are offending at a higher rate as a percent of their population than are majorities. At time zero, here is the situation:

| | Total | Majority | Minority |
|-------------------------------|-----------|---------------|---------------|
| City Population | 1,000,000 | 750,000 (75%) | 250,000 (25%) |
| Incarcerated Population | 5,000 | 2,750 (55%) | 2,250 (45%) |
| Percent Incarcerated by Group | .5% | .37% | .9% |

Now, assume that we decide to stop-and-frisk 100,000 persons and to profile on the basis of the identified trait. Assume that we are targeting offenses like drug or gun possession for which we do not have very reliable natural offending statistics, so we use the existing data on incarceration as a proxy for offending rates: we allocate about 45 percent of our resources to minority suspects and 55 percent to majority suspects. In the first year, based on these assumptions, we stop 45 percent minorities and 55 percent majorities. If these populations are offending at the above assumed rates, the new arrest and newly incarcerated population can be described at the end of year one as follows:

| YEAR 1 | Total | Majority | Minority |
|--------------------------------------|---------|-----------------------|----------------------|
| Stopped Population | 100,000 | 55,000 (55%) | 45,000 (45%) |
| Arrests and New Admission Population | 607 | .37% of 55,000 or 202 | .9% of 45,000 or 405 |
| Arrests and New Admission Percentage | 100% | 33.28% | 66.72% |

What this table tells us is that, if we stop 55,000 majorities and they are offending at the assumed rate of offending for majorities of 0.37 percent, then we are likely to find evidence of criminal activity with regard to 202 majorities (0.37 percent of 55,000). If we stop 45,000 minorities and they are offending at the assumed rate of offending for minorities of 0.9 percent, then we are likely to find evidence of criminal activity with regard to 405 minorities (0.9 percent of 45,000). At the end of the first year, we would have apprehended 607 persons through this policy of criminal profiling of stop-and-frisks. We would be picking up, primarily, offenses such as possession of drugs, guns, or other contraband, drug dealing, probation violations, and outstanding warrants. We can imagine that a number of other individuals would be arrested during the period as a result of special investigations into homicides, rape, and other victim reported crimes. But focusing only on the stop-and-frisks, we would have 607 arrests and, at least temporarily, new admissions to jail (and later possibly prison). Notice that while we started the year with 45 percent minority offenders, we now have almost 67 percent minority admissions to jail.

Naturally, we are assuming here that the "hit rates" reflect perfectly the relative proportion of offenders in each group: that 0.37 percent of majorities and that 0.9 percent of minorities

are offending in the targeted population. David Harris argues in *Profiles in Injustice* that, in the racial profiling context, the facts are otherwise. The growing data on racial profiling, Harris argues, demonstrate that "[t]he rate at which officers uncover contraband in stops and searches is *not* higher for blacks than for whites, as most people believe." However, for purposes of this thought experiment, let us assume that the hit rate actually reflects the assumed higher rates of offending among minorities. Let us assume that any contrary data on hit rates is a reflection of grossly disproportionate policing. Let us continue to take the criminal profiling intuition and justification at face value.

Each year we continue to stop 100,000 persons. We profile on the identified trait using *last year's* arrests and new admissions distribution as an accurate proxy of who is committing crimes. Notice that we are aggressively pursuing a proportional law enforcement strategy, using last year's arrests and new admissions rather than the total incarcerated population, which would include the base level of five-thousand persons *plus* the new admissions (less persons released during the year). Here is what happens in the next few years:

| YEAR 2 | Total | Majority | Minority |
|--------------------------------------|---------|-----------------------|----------------------|
| Stopped Population | 100,000 | 33,280 (33.28%) | 66,720 (66.72%) |
| Arrests and New Admission Population | 723 | .37% of 33,280 or 123 | .9% of 66,720 or 600 |
| Arrests and New Admission Percentage | 100% | 17% | 83% |

| YEAR 3 | Total | Majority | Minority |
|--------------------------------------|---------|----------------------|----------------------|
| Stopped Population | 100,000 | 17,000 (17%) | 83,000 (83%) |
| Arrests and New Admission Population | 810 | .37% of 17,000 or 63 | .9% of 83,000 or 747 |
| Arrests and New Admission Percentage | 100% | 7.78% | 92.22% |

| YEAR 4 | Total | Majority | Minority |
|--------------------------------------|---------|---------------------|----------------------|
| Stopped Population | 100,000 | 7,780 (7.78%) | 92,220 (92.22%) |
| Arrests and New Admission Population | 859 | .37% of 7,780 or 29 | .9% of 92,220 or 830 |
| Arrests and New Admission Percentage | 100% | 3.38% | 96.62% |

This thought experiment reveals two important trends. First, the efficiency of our stops is increasing: each year, we are arresting and incarcerating more individuals based on the same number of stops. Second, the composition of the new incarceration admissions is becoming increasingly disproportionate along the trait identified. In other words, criminal profiling, assuming its premises and certain conditions, may be a self-confirming prophecy. It likely aggravates over time the assumed correlation between crime and the trait profiled. This could be called a "compound" or "multiplier" or "ratchet" effect of criminal profiling: profiling may have an accelerator effect on disparities in the criminal justice system.

The important point of this thought experiment is that criminal profiling accentuates the apparent relationship between the identified trait and crime even assuming that the underlying intuition is correct and that the practice is justifiable to many people. If the underlying assumption of different offending rates is wrong, criminal profiling will also be self-confirming. A similar result—increased disproportionality in the incarcerated population along the profiled trait—would obtain if the different groups had the same offending rate, but we allocated *increasingly more* of our law enforcement resources to minorities than their representation in the general population. Excellent scholarship underscores this point: if you spend more time looking for crime in a subgroup, you will find more crime there. My point here, though, is that a similar type of effect will likely occur *even on the assumption of differential offending*—even if we accept fully the assumptions underlying criminal profiling. This is going to be especially true for the more unreported crimes such as drug possession, gun carrying, or tax evasion.

A few caveats are in order. First, there may be a feedback effect working in the opposite direction. Persons in the targeted group may begin to offend less because they are being

targeted. Persons in the lower crime group may begin to offend more because of their immunity. (Alternatively, it could simply be that success rates among the targeted group decline because the police have picked all the low-hanging fruit, for instance, the suspects wearing "legalize marijuana" T-shirts). If so, there may be a counter-effect, and one would expect that the two offending distributions might begin to exhibit a certain rapprochement. In this thought experiment, I have assumed scarce law enforcement resources, voluminous crime, and low elasticity of crime to policing; and there may be good reasons to assume these conditions, especially if likely suspects have few legal work alternatives. As a result, in this thought experiment, the ratchet effect predominates. But the reason that I focus on the ratchet effect is that it is *logically entailed* by criminal profiling. It is, in this sense, necessary and internal to profiling. In contrast, the feedback effect is an indirect effect. It is mediated by mentalities. It assumes dissemination of policing information and rationality on the part of criminal offenders—questionable assumptions that are, at the very least, likely to produce a more removed effect.

A second caveat is that there is likely to be an incapacitation effect as well. If we focus our stops so aggressively on and incarcerate such high numbers of minorities, it is likely to reduce the number of potential minority offenders on the street—regardless of the rate of offending of the population. The incapacitation effect is going to exist whenever there are large scale arrests in a population. In this thought experiment, I have assumed an ample supply of crime, which dampens the incapacitation effect. Nevertheless, there would be three competing forces at play: first, the ratchet effect, second, the feedback effect, and third, the incapacitation effect.

A final caveat is that this is a simplified thought experiment that aggressively follows *last year's* new incarceration rates. Someone might respond that we should assume a fixed offending differential (say 45 versus 55 percent) and continue to enforce criminal law in that proportion *regardless* of the composition of new incarcerations. But if there is a ratchet effect and we do not have reliable data on natural offending

rates, how would we choose the original enforcement rate? In the racial profiling context, would we use the 23.1 percent from 1926 or the 51.8 percent from 1991? Which one of these reflects a more "natural" offending differential? How far back in history would we need to go to find the right differential?

The key point is that, under certain conditions, the simple intuition that it is fair and proper to allocate law enforcement resources according to offender distributions (more street-crime-fighting dollars targeted at minority communities, more tax-evasion-fighting dollars targeted at the wealthy) is likely to have a ratchet effect that may not be offset by the feedback or incapacitation effects. Sampling more from a population with a trait that is associated with higher offending will have multiplier effects. The only way to achieve arrest or incarceration rates that mirror offending differentials would be to *not* engage in criminal profiling—to sample trait-blind (color-blind, wealth-blind, etc.).

In sum, criminal profiling, in a world of finite law enforcement resources, ample crime, and low elasticity of crime to policing, is likely to reshape offender distributions along the specific trait that is being profiled. This is likely to be the case whether the criminal profiling is viewed by some as a legitimate reflection of differential offending rates or instead the product of malicious selective enforcement. It is likely to be true under conditions that seem to characterize the crime and punishment field, especially illegal drug possession, gun carrying, and other lower-level street crimes, as well as fraud and other larcenies. And it applies to criminal profiling based on prior criminal history, racial profiling, or profiling of disorderly people (squeegee men and panhandlers), disaffected youth (trench coat mafia), domestic terrorists (young to middle aged angry men), or accounting defrauders (CEO's and CFO's).

Has the gradual refinement of the actuarial models used in criminal law and the narrowing of the models to the single factor of prior criminal history contributed to the growing racial imbalance in the carceral population? Clearly, a combination of practices closely associated with criminal profiling have contributed to the national trend. These practices include drug interdiction programs at ports of entry and on interstate highways, order-maintenance crackdowns involving aggressive misdemeanor arrest policies, gun-oriented policing in urban areas focusing on stop-and-frisk searches and increased police-civilian contacts, as well as other instances of criminal profiling. The investigatory search and seizure jurisprudence

that has grown out of *Terry v. Ohio*, especially cases such as *Whren v. United States*—where the Supreme Court upheld the use of a pretextual civil traffic violation as a basis for a stop-and-frisk procedure that was triggered by suspicion that the driver and passenger were engaged in drug trafficking—has likely facilitated the emergence of these practices.

More research would be necessary to answer the question whether or to what extent the refinement of the actuarial approach *itself* has contributed. It would be crucial, first, to explore the increasing correlation between prior criminal history and race. And then it would be important to parse the data closely to explore which portions of the national trend are attributable to offender differentials, to targeted law enforcement disproportionate to group representation, and to a possible multiplier effect, as well as to measure any possible feedback and incapacitation effects.

Depending on what we find, it may be necessary to explore and question the value of efficiency in criminal law. The point of the previous thought experiment is that actuarial methods—including criminal profiling—may have contributed to the national trends rightly or wrongly. Many have argued wrongly, and if so, the matter is clear: the wrongful criminal profiling of individuals has no offsetting benefit. It is inefficient, discriminatory, and injurious. But even if the assumptions underlying the intuition of criminal profiling are *right*, there may nevertheless be an adverse ratchet effect. The targeting of groups for purposes of policing efficiency may do more than just improve efficiency, it may shape our social reality. In the end, the decision to engage in criminal profiling is not just a matter of increased law enforcement efficiency. It involves a political and moral decision about the type of world that we are creating. There is a normative choice that needs to be made.

New Faculty Profile: Joe Holt

When Patricia Lee left the directorship of the Institute for Justice Clinic on Entrepreneurship to take a position with the Institute's headquarters staff in Washington, D.C., there were big shoes to fill. She had been the Clinic's only director over its four-year history, and she built it into a dynamic, distinctive, highly effective clinical program.

To replace Lee, the Institute for Justice and the Law School chose a Harvard-trained attorney with experience at some of America's top firms. They also hired a Wall Street stockbroker, an ethicist, a Vatican-trained priest, a linguist, a scholar of Hebrew and Christian Scriptures, a professional

bartender, and an international justice activist.

Fortunately for the IJ Clinic's budget—and its students—that array of talents and experiences resides in a single individual: new IJ Clinic director Joe Holt.

Holt's career path, jagged as it may seem in the abstract, is really an exemplary study in steady



Joe Holt

evolutionary improvement toward finding where he could serve most effectively and fulfillingly. In addition to imparting his knowledge of the nuts and bolts of transactional law, he hopes to help the Clinic's students discover their own sources of fulfillment and incorporate them into their work. "The law empowers us to serve others in ways that we couldn't serve otherwise," Holt says. "That's a gift lawyers have been given. The key is to be able to perform that service in ways that really matter to you and benefit others."

As an undergraduate at Boston College, Holt excelled in a pre-law curriculum. After graduating *summa cum laude* in 1979, he taught for a year at a Catholic elementary school in his old Bronx neighborhood. That experience, he says, deepened his awareness that "happiness is not what you have or what you can get. It's an unsought byproduct of living well—living consistently with your values and beliefs."

A seminarian's life seemed at that time to offer him the best opportunity to live that way, so he entered the Jesuit order in 1980. Before earning a master's degree in divinity in 1990, he earned a master's in philosophy in 1984 and then taught philosophy, with an emphasis on ancient Greek thought and business ethics, for three years at Canisius College. He left the

Jesuits in 1992 and applied to law schools, having decided that as a layperson he could best serve by practicing law.

During the year before he entered Harvard Law School in 1993, he decided to broaden his relevant experience as much as possible. He passed the difficult Series 7 exams so he could work for a while at a small Wall Street brokerage firm. He raised funds for an international program to provide eyeglasses for people in need. He studied diligently and earned the only diploma that hangs on his wall—a professional bartending degree.

While at Harvard he worked as a clinical intern on issues of corporate law and community renewal; he was a teaching fellow in a philosophy course led by Stephen Jay Gould, Robert Nozick, and Alan Dershowitz; and he served as a human rights observer and advisor in Belfast. His humanitarian activities also include helping displaced people in Nicaragua and treating lepers in Nigeria.

After Harvard he settled down to law firm life, building relationships that would later benefit the Law School enormously. An example may be found in the sidebar on this page about an exceptional mentoring relationship he established between the IJ Clinic and Katten Muchin Zavis Rosenman.

For Holt, settling down is anything but static. During this period, he took a little time off to complete something he had left undone. "I had finished all my coursework, including writing a thesis, for a licentiate degree in sacred theology by 1992," he recounts, "but I hadn't taken the oral exam, which involves translating various Scriptural passages from Hebrew and Greek into Italian and English." So in 1998 he returned to Gregorian University in Rome—perhaps the most prestigious and rigorous of all Vatican-sponsored universities—where he passed his orals and earned his licentiate.

While he misses firm life, he is delighted to have joined the Law School community. "I belong to that minority of individuals in the workplace who look forward to Mondays as well as Fridays," he says. "To be at the University of Chicago Law School, sharing what I can with these brilliant and dedicated young people in the classroom and in the Clinic, having the inspiration of clients pursuing their dreams and the support of extraordinary colleagues and a superb dean—it just doesn't get much better than this."

"In some ways," he adds, "the clients we serve may be the

most significant element in the whole mix. Sure, we help them, but in many ways they help us even more.” He retrieves an item from a shelf; it’s the Tanakh, or Hebrew Bible. Holt turns to Deuteronomy and translates a passage from the Hebrew (it’s one of six languages he knows, along with Italian, German, Spanish, and Greek): “[Y]ou shall open your hand to the person in need and lend to that person sufficient for his or her need.”

He explains that the passage underlies the idea of *tzedakah*, a *mitzvah*, or commandment, combining justice, charity, and righteousness. The Jewish philosopher Moses Maimonides identified eight levels of *tzedakah* and explained that the highest form of *tzedakah* is to strengthen the hand

of the poor, to give to them in such a way that they become self-sufficient. That, Holt remarks, is the very goal of the IJ Clinic, to help clients provide for themselves and their families and communities.

It’s not always easy these days to accept uplifting maxims at face value. Yet a little time spent with Joe Holt persuades a visitor that he believes—and lives by—the wise sayings that reside on his shelves and hang on his wall not far from his bartending degree. One of them, from Thoreau, seems to sum up Holt’s choices and capture his wishes for the IJ Clinic’s clients and students: “If you have built castles in the air, your work need not be lost; that is where they should be. Now put the foundations under them.”—G.de J.

Entrepreneurial Initiatives

In a new initiative that adds a valuable dimension to the overall learning experience at the IJ Clinic, students are working directly with partners and senior associates from Chicago firm Katten Muchin Zavis Rosenman on matters affecting the Clinic’s clients.

Describing KMZ Rosenman as “one of Chicago’s most entrepreneurial large law firms,” IJ Clinic director Joe Holt says, “This approach creates a working relationship between senior attorneys and our students that is much like the way their top attorneys work with their associates.”

In one recent collaboration, clinic students June Tai, ’03, and August Stofferahn, ’04, advising a client who runs a temporary-employment agency, wondered whether the agency’s contracts with its clients and its client companies were as sound as they should be. The question was forwarded to KMZ Rosenman partner and employment-law specialist Mark Weisberg, who made recommendations for improving the contracts and helped the students put them into effect.

Partner Gerald Penner, ’64, led his firm’s side of the discussions that resulted in this pro bono arrangement. Holt and Penner got to know each other when Holt worked in 1996 and 1997 as an associate at what was then Katten Muchin & Zavis. Penner says Holt’s involvement was an important consideration for him: “I think the world of Joe. Whatever he’s interested in, I want to be part of.”

Penner, who is currently serving his second term on the Visiting Committee, says the relationship with the Clinic is attractive to him as another way of expressing his appreciation to the Law School for the excellent education he received. It is also appealing, he explained, because of the opportunity it gives his firm’s business lawyers to serve Chicago communities in need: “This is a great chance for us to get involved and make a difference for the low- and moderate-income entrepreneurs the Clinic serves. Our senior attorneys have responded very enthusiastically, and we look forward to a long, productive relationship with the Clinic. I view this as one of those great situations where interests coincide and everyone wins.”

Holt agrees: “We’ve already seen many applications for KMZ Rosenman’s expertise. Not only will that help our clients, but it will also enable our students to take on more complex and challenging work in areas that include capital structuring, intellectual property, taxation, and employment.”

Other Law School graduates who will play important roles in executing the agreement are Jonathan Baum, ’82, who is KMZ Rosenman’s full-time director of pro bono services; Howard Lanznar, ’83, who heads of the firm’s corporate department; and partner Andrew Small, ’89.—G.de J.

Alumni Join Supreme Court Bar

On an unusually frosty Washington D.C. morning, one rather too reminiscent of blustery days on the Midway, twenty Law School alumni gathered at the United States Supreme Court for a very special purpose: to be sworn in as members of the Supreme Court bar.

The Court convened for a regular session on Monday, January 27, 2003, issuing a ruling on *Federal Communications Commission v. NextWave Personal Communications, Inc.* Justice Antonin Scalia read the majority opinion, which upheld the appeals court decision that the FCC had wrongly revoked NextWave's airwaves licenses when the company was in bankruptcy.

Once the ruling was read, the next business of the Court

was swearing in the newest members of the Supreme Court bar. Edward Warren, '69, spoke for the Law School alumni, vouching that they were eligible for admission. Each person took the oath before the assembled Court.

Following the ceremony, newly-admitted members joined a reception in one of the Court's lounges. Law School alumni, friends, and family celebrated their admission along with Justices Breyer, Ginsberg, and Scalia, who stopped by to greet Law School friends old and new.

This event was held in honor of the Centennial, but the Law School hopes to sponsor future Swearing-in Ceremonies for alums who would find membership in the Supreme Court bar helpful for their practice.—K.F.



Ed Siskel, '00, and Rebekah Holman, '99



Adam Mortara, '01, and Allyson Newton, '00, currently serving as Supreme Court clerks, stopped by the reception to congratulate their fellow alums.



Ellen Cosgrove, '91, Justice Antonin Scalia, and Noni Ellison, '97



David Barash, '88, Justice Stephen Breyer, and Jonathan Ackerman, '99



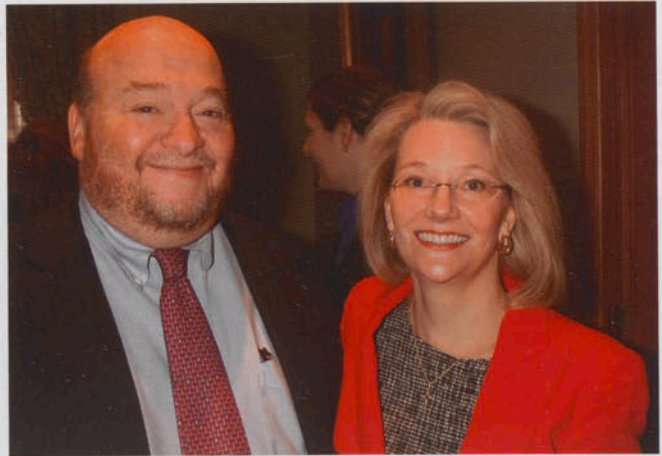
Justice Ruth Bader Ginsburg chats with Anthony Clark, '79, and Noni Ellison, '97



Robert Gerstein, '59, and Mark Gerstein, '84



Erica and Leonard Lamensdorf, '52



Cathy Bromberg, '82, with her husband Marc



Law School alumni sworn in to the United States Supreme Court bar on January 27, 2003.

Judicial Imperatives

For Dale Wainwright, '88, the road from Mt. Juliet, Tennessee to the Supreme Court of Texas was full of professional twists and turns, but Wainwright draws a straight line from the University of Chicago Law School to the bench.

"Rigorous, critical, thorough," Wainwright says. "Those were the values that the Law School brought to every aspect of the study of law. These are obligations for any lawyer, but they are absolute imperatives for a judge."

Wainwright was elected to the Texas Supreme Court last November, following his temporary appointment to the Court several months before by Texas Governor Rick Perry. Prior to that he served as Judge of the 334th District Court in Harris County. During his time on the bench, he has ruled on more than 3,000 contested cases and resolved a similar number of lawsuits involving complex and challenging issues. Well regarded in the Texas legal community for his impartiality, integrity, and work ethic, he recently received a ninety percent approval rating from bar groups in Texas.

A highly experienced litigator by the time he was appointed to his first judgeship, Wainwright says he never considered being a judge. "Some people I knew approached me and suggested I accept," Wainwright recalls. "They told me that there was much to recommend the job—except for the huge pay cut," he laughs.

Wainwright grew up in the small town of Mt. Juliet, near Nashville, Tennessee, where his mother was a high school teacher and his father a factory foreman. He attended Howard University, graduating summa cum laude in 1983. For a year after graduation, he studied at the London School of Economics. He knew that he wanted to pursue the study of law, though he did not know if he wanted to practice or teach. He applied to two law schools: Vanderbilt, which was close to where he grew up, and Chicago. "I was very interested in the interplay of law and economics," Wainwright says. "Looking back on it, there was no other place for me to be besides Chicago."

A trip to campus confirmed his feeling. The Law School was "a very dynamic and exciting environment. You could feel that right away. Contrary to popular belief, there was immediately apparent a wide diversity in philosophy and opinion among the faculty and in the outside speakers who came through the school. There was every shade of the spectrum, from very conservative to moderate to very liberal. And I think that kind of mixing of ideas and thought is very important to a good education."

At the same time, Wainwright remembers the faculty and staff as being "very approachable, very helpful, not distant or haughty. They really wanted to engage students, to hear their ideas. That's what struck me and stays with me today: the focus on the quality of the idea, the quality of the thinking. Aside from ideology, aside from who's advancing the idea—professor, student—the important thing is the idea itself, and whether it holds up."

Dean Richard Badger was very helpful during that visit, encouraging Wainwright to meet students and faculty and discussing the campus community with him. "It was not as culturally diverse as I would have liked, but there was a very active Black Law Students organization, and they encouraged me as well." Feeling at home in the community was important for Wainwright—he was married, worked part-time, and his first child was born during his time at the Law School.

"His involvement in the community combined with his legal experience is just what the people of Texas want in their judges."

Wainwright remembers several faculty who were profoundly influential to him: David Currie, Richard Epstein, Geoffrey Stone, and Cass Sunstein. "Collectively they cultivated an environment that was inquisitive in the best sense, with a wide variety of perspectives and approaches." His fellow students contributed to this atmosphere as well. "We came from all kinds of cultural and educational backgrounds, and we helped each other get better."

Wainwright returned to Nashville after Law School, taking a position as a civil litigator at Haynes and Burns. But eventually he found himself growing restless. "When I was growing up in Mt. Juliet, Nashville seemed like such a big city," Wainwright reflects. "But after spending time in London and Chicago, I began longing for more diversity and greater cultural variety." He began looking and eventually landed at Andrews and Kurth in Houston.

His involvement with the Texas judiciary began with his appointment by then-Governor George W. Bush to the District Court. "He will make a good, conservative judge," Bush remarked at the time. "His involvement in the community combined with his legal experience is just what the people of Texas want in their judges."

Wainwright co-founded a program for inner-city youth called the Aspiring Youth Program. He served on the board of directors for the Texas Bar Association; the Houston Volunteer Lawyers Program, which provides pro bono services to the indigent; the Texas Young Lawyers Association; and the Houston Young Lawyers Association. He also volunteers at the YMCA. He and his wife, Debbie, have three sons: Jeremy, Philip, and Joshua.

The Texas Supreme Court is a discretionary appellate body that hears civil matters only; the Texas Criminal Court has its own appellate system. The Supreme Court does have jurisdiction over juvenile criminal cases. Justices are elected. "That presents its own special challenges," says Wainwright, who ran in a primary that resulted in a run-off before the general election. "It was strenuous, but I had a lot of help

from a lot of people."

In a similar vein, Wainwright says he is grateful to those who helped make it possible for him to attend the Law School, as well as those who taught and studied with him there. "I would not have been able to go to Chicago were it not for the financial aid they offered me," he says. "So alumni and others who contribute to the Law School help keep the school strong and vital, enabling students who have talent to go forward and make some contribution to the law.

Being a graduate of the Law School gives me a sense of pride, and I have a deep sense of appreciation to the alumni, to the donors, as well as to the faculty and staff. I worked hard to get here, but it was the school and its people, the great educational environment they create, that really made it worthwhile and so valuable."—C.A.



Investiture of Hon. Dale Wainwright, '88, to the Supreme Court of Texas, January 6, 2003. From left, U.S. Supreme Court Justice Sandra Day O'Connor, Debbie Wainwright, and Dale Wainwright, in the Texas State Capital House Chambers.

Chicago's Laureates

The Academy of Illinois Lawyers celebrates the professional prowess of its inductees and the credit they bring the profession. Three of its twelve 2003 inductees—called “laureates”—trained at the Law School. Barry Alberts, ’71, Joseph DuCanto, ’55, and the late Theodora “Teddy” Gordon, ’47, were honored at a January induction ceremony in Chicago.

The Academy was created by the Illinois State Bar Association in 1999 to “enhance the honor and dignity of the Bar of Illinois by recognizing lawyers who personify the greatness of the legal profession.” Previously inducted laureates include Harold A. Katz, ’48, and Mary Lee Leahy, ’66.



Barry Alberts

Alberts, a partner at Schiff Hardin & Waite and a lecturer at the Law School, was cited by the Academy for the great deal of respect he has earned from colleagues. As his nomination states, “Rarely has any one person combined so

many qualities that make him the finest lawyer any client, any colleague, any adversary, any judge, and any friend could ever hope to find.” Alberts maintains his reputation as “a splendid trial lawyer” while making a deep impression in bar association activities, pro bono representation, and legal education. He teaches Trial Advocacy and Legal Ethics at the Law School and at Northwestern Law School.

DuCanto, a founding partner of Schiller DuCanto & Fleck, as well as founder and president of the security and investigations company Securalex,



Joseph DuCanto

was cited for his innovative theoretical and practical work in the tax aspects of matrimonial law. His advances in the field have led to his being “recognized nationally as a leader in the field of family law.” But DuCanto also serves the legal community as a longtime lecturer at Loyola University of

Chicago School of Law and even in his role at Securalex, which began life providing security to matrimonial lawyers.

Gordon, who died in 2000, was recognized as a pioneer for women in the law, a community-based lawyer, and a leader of bar associations. A product liability lawyer at first for the Toni Company and then in private practice, she served as

president of the Women’s Bar Association of Illinois in the 1960s and the Decalogue Society in the 1990s, Gordon was remembered as a social lawyer. “She wasn’t a lawyer for the money or the success. She was a lawyer to help people,” said Jacqueline Stanley Lustig, a WBAI past president. “Her friends were her clients, and her clients were her friends.”—K.H.

Public and Private Ventures

The walls of John Emerson’s thirty-fourth floor Los Angeles office boast finger paintings by his daughter and photographs of President Clinton’s National Security Council meetings. Framed and unframed pictures of his wife and three children grace his long desk, as do back issues of *Foreign Affairs*. Out the window is a stunning panorama from the Rose Bowl in Pasadena to the Hollywood sign to the San Fernando Valley. The office is full of visual cues illustrating a career encompassing the public and private sectors, as well as



John Emerson

Emerson’s commitment to his family and his community.

Emerson, ’78, managed Clinton’s successful 1992 California presidential campaign and from 1993–1997 served as deputy assistant to the president. In that position, he advised Clinton on appointments to more than 3,500 federal jobs. Later, he managed the administration’s

campaign in Congress to implement the General Agreement on Trade and Tariffs and oversaw the dispatch of \$16 billion in aid to Los Angeles after the Northridge earthquake.

“It was something where you very directly used the power of the position to help your community,” says Emerson, who this fall will begin his second term on the Law School’s Visiting Committee. “I felt really great about that. You realize that every day you are getting several once-in-a-lifetime opportunities, and that is an amazing thing.”

The job also taught him how seriously administration officials work. “There’s a tendency for people to run down those involved in government or politics,” he says. “I’ve been in a big, private law firm and in one of the premier investment firms in the country. Nowhere is there a harder working group of people than at the high levels of government in Washington, D.C. I wish more people would appreciate

the incredible sacrifice and commitment that people make when they serve in those positions.”

But Emerson needed more than a government salary to support his family, so he returned to Los Angeles. He's now president of the Personal Investment Management division of the Capital Guardian Trust Company, and is preparing for another big job. Next October he'll become volunteer chairman of the board of the Los Angeles Music Center.

Emerson discussed his relationship with the University of Chicago, which started early. He was born at the original Chicago Lying-In Hospital in Hyde Park. His father, James Gordon Emerson, completed a Ph.D at the University. The younger Emerson returned two decades later to attend the Law School. “The thing I remember most fondly,” he says, “is the camaraderie that developed with my classmates and a number of the faculty. It's almost like you go through this baptism of fire together. Even today,” says Emerson, “my closest friends are people from my Law School class.”—G.L.

Deputy Governor Bradley Tusk

A typical day for Illinois's new deputy governor, Bradley Tusk, '97: An 8 a.m. cabinet meeting, a meeting with the state's largest public employee labor union, a conference with Republican House leader Tom Cross, a lunch session on the governor's highly anticipated budget address, meetings with industry representatives on ethanol, and a late night session on the implications of homeland security for Illinois.

That pace is invigorating for Tusk, a native New Yorker who may be somewhat unusual among Law School alumni in that he never had any interest in being a practicing attorney or legal scholar. “The Law School provided me exactly the skills I need in this job,” Tusk says. “I am handed masses of information about wildly disparate areas and issues that I will never be expert in, but for which I am responsible. The Law School taught me how to sort through all of that information, to ask the fundamental questions that cut to the heart of the situation.”

The early days of Governor Rod Blagojevich have been exciting and daunting. Democrats took occupancy of the governor's mansion for the first time in thirty years. Executive leadership in all state agencies needed to be restaffed; new gubernatorial initiatives given form, and new legislative, lobbying, and media relationships forged. Combine those

imperatives with a state budget deficit that has been estimated to be as high as \$5 billion, and many complicated scenarios form.

The administration took some early heat for what reporters thought to be halting progress. Tusk was recruited in March from the staff of Senator Charles Schumer of New York, where he was communications chief, to help give the Blagojevich agenda some momentum. As deputy governor, he oversees communications, policy, legislative affairs, and state agencies. It's a broad scope, maybe more so when one considers that Tusk is just twenty-nine years old. But Tusk, seasoned by New York politics, has helped turn things around.

“You come in, you assess the situation, prioritize, and make some decisions. You put out fires, and you move things forward,” Tusk says.

As spokesman for Schumer, Tusk was in the middle of many controversies, from Schumer's nomination of Attorney General John Ashcroft to the congressional debates on war with Iraq. Prior to his work with Schumer, he was senior advisor to New York City Parks Commissioner Henry Stern.

Tusk attended the University of Pennsylvania, and when



Deputy Governor Bradley Tusk, '97, with Governor Rod Blagojevich

he decided to go to law school, there were just a few he considered. “I wanted to go to a school that had the most rigorous approach to the study of the law,” he says. “When it came down to making the decision, there was pretty much only one place to go.”

Though he sought out the intellectual rigor of the Law School, Tusk says what he did not expect but found equally

helpful was “a great deal of individualized attention and follow-through from both faculty and staff. They respected the fact that I was not pursuing a traditional legal career, and they helped me in many ways to fashion my education and extracurricular interests around that.”

He singles out Deans Richard Badger, '68, and Ellen Cosgrove, '91, for supporting him when he wanted to establish a new Law School student group. “I had this crazy idea that we could form a viable organization of Law School Democrats,” he laughs. Soon, the group was organized and sponsoring a speakers series, among other activities. “Despite its reputation as conservative bastion, the Law School faculty is ideologically and politically diverse, and the school encourages all points of view on the faculty and in programs and discussions that come to campus,” Tusk says.

His biggest faculty influence, he says, was Cass Sunstein, whom Tusk says has been “a friend and mentor ever since. When I worked for Senator Schumer, I consulted regularly with him about judicial appointments before the Senate.”

Tusk says that Sunstein's influence may have led to more New York City dog owners leashing their pets. “In New York City, we had a huge problem with unleashed dogs in the parks. We tried various policy approaches, penalties, and procedures, but nothing seemed to help. “I remembered Professor Sunstein's work on social norm theory—how laws and courts can change attitudes on everything from integration to seat belt use to drunk driving. It's not just about punishing behavior, but about communicating the rationality behind new laws, and the positive impact for individuals and communities.” And so Tusk spearheaded a multifaceted effort that combined new laws with a media campaign. Compliance rose in a short period of time from 33 percent to 80 percent.

Tusk's Law School network has served him well in his baptism by fire in Illinois politics. “As soon as I took this job, I called many friends from Law School who knew the political and government landscape well. They have been immensely helpful in bringing me quickly up to speed on the issues and the history behind them. They have opened doors. They literally let me sleep on their couches my first days here. As much as anything I appreciate about the Law School, I appreciate most of all the friends I made there.”—C.A.

Shaping Legal Practice and Lives

For Steven Marenberg, '80, and Alison Whalen, '82, the Law School shaped not only their professional lives, but forms a touchstone for their values. They met at the Law School, married a few years later, and forged highly successful careers at the prominent Los Angeles law firm of Irell & Manella. He is from New York, she from California, but it was Chicago that profoundly shaped their approach not just to legal work, but to life as well.

“It's almost a cliché,” Marenberg says, “But the standards that the Law School set are the ones I try to work with, not just at the firm but in life. I try to consider things with a certain degree of intellectual rigor, to not think about any given issue with political blinders, not in terms of procedurals or preconceptions, but with a fresh set of questions.”

Marenberg arrived on the Midway the day before classes started in 1978. It was very exciting, he says. “The first class on the first day was Contracts. It was the largest class in the largest room at that time—a room full of very smart students. And my professor was Antonin Scalia.” Steve recalls many influential faculty, but he singles out Richard Posner as particularly important. “Out of political bias or just plain stubbornness, I resisted his application of economic analysis to the law, and to other areas. But as we debated, discussed, and argued, I gradually came around to the notion that individuals do make decisions to maximize utility. It may not help to predict behavior, but it does help understand behavior.”

When Whalen began her first year, Steve was a third-year. They both say they noticed each other “hanging around” the Law School, and agree that it was Alison who first asked Steve out. Of that conversation, he says: “I believe she used the memorable opening line, ‘Do you eat pork?’” The rest is history.

Whalen says that David Currie is at the top of her list of Law School faculty who were most inspiring. “The Socratic method can be kind of harsh, but Professor Currie was so gentle, yet so persistent and effective in teasing out from his students the subtleties and subtext of the case.”

Marenberg adds: “I took every course Professor Currie taught. What was most amazing is that he would always manage to orchestrate the discussion so that a student made the ultimate point in the last five minutes of class.”

Whalen also mentions Joseph Isenbergh: “A professor

who can make corporate tax law interesting is quite a professor indeed." And Edward Levi: "He taught Elements of Law, a great class that I think I only appreciated later."

When Marenberg graduated from the Law School, he clerked for Federal Judge James Moran in the Northern District of Illinois while Alison finished law school. "I learned from Judge Moran the importance of looking at each case individually, the importance of compassion, the importance of not just ruling on the law, but of doing the right thing."

"The law school prepared me very well, and I was able to make my reputation fairly quickly when I was asked right away to do an analysis of a complex antitrust seminar," Whalen adds. "Many of the other young associates were very bright, very good, but I felt particularly well-prepared." She made partner at Irell & Manella within six years. "The Law School made it possible for me to embrace complexity almost joyfully. You might look at a very thorny tax issue and have a moment of panic, but then you plunge in,

knowing that you have the tools to get to the heart of it."

When the first of the couple's three children, David, was born sixteen years ago, Whalen took time off from practicing. The twins, Ben and William, were born three years later. Today, Whalen practices part time, doing contract work. She is extremely proud of her work with the Every Child Foundation, where she heads up an intensive document review initiative as part of the foundations grant evaluation process for projects geared toward helping children.



The Marenberg-Whalen family. From left, Steven Marenberg, '80, son Will, Alison Whalen, '82, and sons Ben and David.

After Whalen received her degree, they left for the West Coast and went to work at Irell & Manella, Whalen in the corporate division and Marenberg in litigation. Both are highly successful in their specialties. Whalen handled numerous high-profile bankruptcy, restructuring, and tax cases, while Marenberg has made a mark as one of the top litigators in Los Angeles by virtue of his involvement with some of the entertainment industry's leading studios, television networks, music companies, and entertainers.

"The intellectual standards of the Law School are the ones that I find myself returning to over and over again, and the ones that have sustained me and enabled me to succeed as a litigator," he says.

"I have been so well served by my Law School education," says Whalen. "I credit the Law School with my professional success, with where I am today. But beyond that, the education I received there has made me a better citizen, a better person, by giving me the tools to dissect complex issues and situations, to look at them and frame a problem and arrive at solutions." —C.A.

Alumni

In Memoriam

1930

Albert Allen

December 22, 2002

Since 1949, Allen was a member of the Beverly Hills firm of Allen & Fasman. He was also associated with Metropolitan Development Corporation, a real estate development company. At the time of his death, Allen had been practicing law for 72 years, and as such, was the longest practicing attorney in California.

George Douglas

November, 2002

Douglas practiced law in Valparaiso since 1937. In addition to being in private practice, he served as the city attorney from 1944 to 1948. He was a long-time member of the board of First National Bank of Valparaiso.

1931

William Klevs

July 24, 2002

After graduation, Klevs worked in Washington, D.C. for several years in the Justice Department. He then returned to Chicago where he started the law firm Crocker & Klevs. In 1939, he joined Metalcraft as legal counsel and secretary/treasurer. He was active in various community groups including the School for Retarded Children and the Jewish Federation of Greater Chicago. He retired in 1972 and moved to the west coast, where he lived in California and Nevada.

1933

Charles Boand

December 6, 2002

Boand retired in 1988 as a partner at the Chicago firm of Wilson & McIlvaine, where he worked since

1937, except for the time he served in the Navy during World War II. He specialized in corporate and securities work. He served as President of the Law School Alumni Association from 1968-1970, and as President of the University of Chicago Alumni Association from 1975-1980. In 1967, he established the Charles W. Boand Library Fund for the Law School.

1935

Charles Wolff

August, 2002

Wolff practiced workers compensation law in Chicago for over sixty years.

1936

William Schrader

November 22, 2003

Schrader was practicing law in Chicago at the firm of Pope, Ballard, Shepard and Fowle at the time of his retirement in 1980. Prior to that he practiced at the firm of Heineke & Schrader.

Herbert Woodward

September 5, 2002

After graduation, Woodward practiced law briefly before going to work for Morris Mills. Following his service as an intelligence officer during World War II he worked for several companies, including Printing Plate Supply Company; Intermatic; Dunbar Kapple; and International Science Industries, where he served as president.

1937

Byron Miller

March 3, 2003

During World War II, Miller served in the Office of Price Administration and the Office of War Mobilization

and Reconversion. He was instrumental in the creation of the Atomic Energy Commission to regulate nuclear power after the invention of the atomic bomb. In 1947, he became the Midwest Regional Attorney for the American Jewish Congress in Chicago, where he worked on fair employment, open housing, and separation of church and state issues. In the late 1950s, he joined the firm of D'Ancona & Pflaum, later becoming managing partner of the firm. He served as a Trustee of the Village of Glencoe, President of the Bureau of Jewish Employment Problems, and as a board member of the Illinois Division of the ACLU. At the time of his death he was living in La Jolla, California with his wife Jeanette, also a member of the Class of 1937.

1940

Frank Engeler

March 3, 2002

An Indiana resident, Engeler worked for many years in several management positions in the milk production industry.

Karl Janitzky

August 1, 2003

After serving in the army during World War II, Janitzky worked as a lawyer for the Reconstruction Finance Corporation in Chicago. In 1951 he moved to Moline, Illinois to join the John Deere & Company law department, focusing much of his time on the company's foreign operations. At the time of his retirement in 1983, he was associate general counsel. He also served as a director of Metrobank in East Moline.

Donald McKinlay

After graduation, McKinlay worked for the Chicago law firm of Taylor, Miller, Bush & Boyden before serving in the Navy for three years. He moved to Denver in 1946 where he was a litigator at several firms, including Holme Robert & Owen and Mayer Brown & Platt. He also served on the Board of Trustees of Dartmouth College and the Aspen Institute, and was chairman of the Colorado Commission on Higher Education.

1942

William Speck

After serving in the Navy during World War II, Speck was a lawyer in the Administrative Office of the U.S. Courts from 1949 to 1952. He then worked as a civilian lawyer for the Navy from 1952 until his retirement in 1983, becoming the chief counsel for the Naval Facilities Engineering Command in 1973. In 1983 he received the Navy Distinguished Civilian Service Award. A resident of Rockville, Maryland, he was active in the Chesapeake & Ohio Canal Association.

1948

Robert Boyer

October 23, 2002

Boyer worked as an attorney at Leo Burnett advertising firm in Chicago for forty years, starting the firm's legal department. After he retired in 1994, he worked with immigrants as a volunteer lawyer. During World War II, he served as a navigator and bomber, flying twenty-eight bombing missions.

1951

Alvin Fross

September 11, 2002

Fross specialized in trademark and copyright law, practicing for many years in New York with the firm of Weiss, Dawid, Fross, Zelnick & Lehrman. His survivors include Stuart Fross, '85.

1954

Thomas Nicholson

December 9, 2002

Nicholson practiced corporate law for more than thirty years at Chicago law firms, including Mayer Brown & Platt and Siemon Larson & Purdy. Before attending the Law School, where he was editor-in-chief of the *Law Review*, he served in the Navy during World War II and then as a foreign service officer in Algeria. In 1966, Nicholson received the Public Service Citation from the University for directing a three-day conference for 1,500 world leaders in the fields of education, arts, and economics for UNESCO. He was active in other groups, including the Public Interest Law Initiative, Metropolitan Housing & Planning Council, and Institute for Psychoanalysis.

1957

Wesley Liebler

September 25, 2002

Liebler, at the time of his death, was a professor at George Mason University Law School. Prior to that, he taught antitrust law at the University of California at Los Angeles Law School for more than thirty years. He served in 1975 and

1976 as a director of the Federal Trade Commission's policy planning and evaluation office. He also served on the staff of the Warren Commission, which investigated the circumstances surrounding the assassination of President Kennedy.

1964

Thomas Ross
July 13, 2002

At the time of his death, Ross was with the Alameda County District Attorney's office, where he had worked for thirty-seven years.

1965

David Nyberg
September, 2002

Nyberg practiced trust and estate law in Sioux City, Iowa for many years. He served on several boards, including Siouxland Mental Health, St. Luke's Hospital Development Council, and Yankton College.

Michael Silberberg
October 25, 2002

Silberberg practiced law for many years in New York City and was a partner a Morvillo, Abramowitz, Iason and Silberberg. Prior to that, he worked as a trial attorney in the Civil Rights Division of the U.S.

Department of Justice and then in the U.S. Attorney's Office in New York City. In 1995, he authored a book on civil practice in the Southern District of New York City.

1977

John Felzan
February 7, 2003

Felzan was vice president and general counsel of Tetra Pak at the time of his death. Prior to joining the company in 1993, he worked at Kirkland & Ellis from 1977 to 1984 and then at United Airlines from 1984 to 1993.

1986

John Lingner III
November 19, 2002

Lingner practiced law with the Chicago firm of Kakacek and Lingner since 1990. Prior to that he worked at Freeborn and Peters. Lingner was an active member of the Union League, including serving on its board of directors and leading a fundraising campaign for the Club to raise money for the Boys and Girls Clubs.

2000

Brooke Snyder
August 25, 2002

Snyder was a second-year associate at the San Francisco office of Latham & Watkins at the time of her death.

2004

Rafael Chabran
July 22, 2002

A graduate of University of California at Berkeley, Chabran had completed his first year of law school. A California resident, Chabran was working as a law clerk for the U.S. Attorney's Office in San Diego at the time of his death.

Kate Sulzberger Levi, 1917–2003

Kate Sulzberger Levi, widow of Edward Levi, died March 13 at the age of 85 at the University of Chicago Hospitals. Mrs. Levi, who lived in Hyde Park, was a highly respected



Kate Sulzberger Levi, at the 2001 Law School Annual Dinner.

figure, both in the history of the University of Chicago and as a community leader in the city of Chicago. "We have lost one of our greatest treasures," said University of Chicago President Don Michael Randel. "Her life was devoted to this University and its well being. We miss her and cannot forget her."

"Kate expected a great deal of all of us

who came to this University. She was a wonderful influence," said Dean Saul Levmore.

Mrs. Levi was raised in Hyde Park and attended the University of Chicago's Laboratory Schools. Her father, Frank Sulzberger, was a trustee of the University. Mrs. Levi received an A.B. degree in Psychology from Sweet Briar College in Lynchburg, Virginia. After graduation, she served as an assistant to Alderman Paul Douglas, who was then also a professor of economics at the University. She later worked for Douglas on his successful campaign for the U.S. Senate.

Mrs. Levi's first husband, Rudy Hecht, died in World War II. In 1946, she married Edward Levi, who was then on the faculty of the Law School. Edward Levi would later successively serve as dean of the Law School, provost of the University, and president of the University before his appointment as U.S. Attorney General by President Ford. "Kate Levi will be sadly missed by Betty and me, and by all who were privileged to know her as a brilliant friend and as the superb wife of her dear husband, Ed Levi," said former President Gerald Ford, "She was a great partner in a wonderful marriage."

"I knew Kate Levi first as the wife of my boss, the Attorney General of the United States, and later as the wife of my colleague on the faculty of the University of Chicago," said U.S. Supreme Court Justice Antonin Scalia. "Never has there been a 'wife of' who so dominated the stage—or rather not dominated it, but shared it in perfect harmony (or, often, perfect comedy) with her husband. I could not imagine Edward without Kate or Kate without Edward. She was a dear friend, and I am terribly sorry to learn of her death. All who knew her will miss her warmth, her wit, and her dedication to the things that matter."

"To everyone she knew and every cause she embraced, Kate Levi was gracious, forthright, wise, witty, loyal, and uncompromising. She will be much missed," said former dean Douglas Baird, the Harry A. Bigelow Distinguished Service Professor of Law.

Gerhard Casper, professor and former president of Stanford University, who had been dean of the Law School and provost of the University of Chicago, praised Mrs. Levi's "commitment to the intellectual values not only of the University of Chicago but of higher education generally. She worked for the University incessantly. She was an extraordinarily perceptive and intelligent woman who could laugh about the world's and her own follies. We turned to her often when we most needed perspective."

At the time of her death, Mrs. Levi was actively serving on the Women's Board of the University of Chicago as well as the Board of the Juvenile Protective Association. She had been on the Visiting Committees of the Department of Music and the Department of Far Eastern Language and Civilization at the University. She served as a Trustee of the Chicago Symphony Orchestra and was a member of the boards of International House, the Great Books Foundation, the Chicago Lying-in Hospital, the Hyde Park Neighborhood Club, the Guild of the Chicago Historical Society, and Children and Family Services—Washington, D.C. She was also a member of the Women's Boards of the Field Museum and the Smithsonian Institution.

She is survived by her sisters Ann and Jean, whose husband, Bernard Meltzer, is the Edward H. Levi Distinguished Service Professor Emeritus at the Law School; three sons: John, a partner at Sidley Austin Brown & Wood; David, a U.S. District Judge in Sacramento, California; Michael, a high-energy physicist at the Lawrence Berkeley National Laboratory; and seven grandchildren.—P.S.

Patsy Mink, 1927–2002

Twelve-term Hawaii Congresswoman Patsy Mink, '51, known for her political independence and untiring dedication to social justice, died September 28, 2002 in Honolulu of viral pneumonia. She was 74.

Mink became the first Asian-American woman to be elected to Congress in 1964, and she quickly won and sustained a



Patsy Mink

reputation for leadership on civil rights, poverty, the environment, and education. She was among the very early congressional opponents of the Vietnam War, and one of the first to call for the impeachment of President Richard M. Nixon in the Watergate scandal. Perhaps due to her early experience with racial and gender discrimination, she

was a pioneering advocate of social and economic equity for minorities and women, and her leadership is widely credited with making those issues central to Democratic Party platforms and legislative agendas over the past thirty years. She was particularly proud of the lead role she played in 1972 in the passage of Title IX of the Federal Education Act, which opened many opportunities for women in scholastic and, consequently, professional athletics.

Mink was so beloved by her constituents that she was overwhelmingly re-elected posthumously in last fall's election. A subsequent special election was held in December.

Mink was born Patsy Takamoto on December 6, 1927 on the island of Maui. Her father was a surveyor, and the family enjoyed a comfortable middle-class life. But the era was not amenable to her ambitions, and she once said of the time that society was inhospitable to "women who have a brain and an idea." She would eventually achieve great success and prominence, in part for a relentless yet good-humored determination.

After high school, she enrolled at the University of Hawaii with the goal of becoming a doctor. Later she would transfer to Wilson College in Pennsylvania and then to the University of Nebraska before landing at the University of Chicago Law School. It was there that she met her husband, John Mink, a graduate student in geology at the University.

"She was an absolutely irrepressible spirit," says Law School classmate Abner Mikva, '51, who served with Mink in Congress. In contrast to the "feisty liberal congresswoman"

known to the nation later, Mikva remembers her as “somewhat shy,” being one of only three women in her Law School class. Mikva also remembers that following Law School, she applied for jobs at firms in Chicago, New York, and San Francisco. “Clearly she was very bright, very enthusiastic, and she had a wonderful sense of humor,” Mikva says. “But it was not a good market at that time if you were a woman of Japanese descent.”

She worked for a time following graduation at the Law School library. Six months after giving birth to her daughter Gwendolyn, Mink and her family returned to Hawaii, where she opened her own law practice, becoming the first Japanese-American woman licensed to practice law in Hawaii. In 1956, she was elected to the Hawaii Territorial Legislature. In 1958, she was elected to the Hawaii Senate.

She was first elected to Congress in 1964 and served six terms. In 1976, she ran for the Senate and lost, but continued to be active in politics. She was elected again in 1990 to a House seat from Hawaii’s Second Congressional District, returning to Washington, where she remained until her death.

“She was an incredibly strong and effective floor spokesperson, possessed of great eloquence, collegiality, and absolute integrity,” recalls Mikva, who began his congressional tenure in 1968. “We worked together on many issues and had a great relationship. When bills would come out of the Welfare and Trade Committee, on which I was serving for a time, she would come up to me and say ‘I’m voting for this because you are—I hope you’re right.’ And I had a standing order with my staff that when Patsy requested my co-sponsorship on a bill, they were to grant it, because there was no question she was doing the right thing.”

Mink is survived by her husband, their daughter Gwendolyn, and a brother, Eugene.—C.A.

Paul Leffmann, 1907–2002

The arc of Paul Leffmann’s life encompassed most of the twentieth century; through it all he demonstrated remarkable capacity for learning and for giving. Leffmann, a member of the class of 1930, died Oct. 8, 2002 in Evanston, Illinois of congestive heart failure. He was ninety-five years old.

Born and raised in the Hyde Park area, Leffmann was sixteen years old when he entered the College of the University of Chicago, where he earned a degree in economics before entering the Law School. It was at the University that Leffmann met his late wife, Theo Hirsch, an artist. The

University prepared him for a varied career that involved the practice of law, various businesses, and philanthropy.

He established himself in Chicago’s legal world shortly after graduation from the Law School by handling a complex bankruptcy trusteeship case, and he subsequently worked for several Chicago firms. He traveled often to Florida to help run his family’s citrus farm, handling everything from work in the groves to the firm’s finances.

During a family gathering in 1937, Leffmann’s grandfather announced that the family was donating money to help German Jews immigrate to the United States. As the eldest grandson, Leffmann made the trip to Europe to assist the refugees. He would eventually help twenty-one people leave Germany. In 1942, Leffmann volunteered for the U.S. Army Air Forces and served in the intelligence division in Florida and Washington, D.C.

Leffmann and his wife continued the family philanthropic tradition by giving a lecture room and an endowed professorship in commercial law at the Law School.

“Paul was wise and thoughtful, and utterly selfless,” said Professor Douglas Baird, dean of the Law School from 1994 to 1999. Baird said that when the Leffmanns funded the chair, Paul was especially focused on making sure that the faculty member thrived. “Paul was particularly concerned that his gift be large enough to compensate the holder well,” Baird said. “But it was not about the money for Paul—it was about making sure that this person flourished in their work.” Today the Paul and Theo Leffmann Chair is held by Professor Randal Picker, ’85.

When the Leffmanns funded a new lecture hall, Paul insisted that it be named not after them, but after Harry A. Bigelow, one of his teachers at the Law School. “Some eight decades after the fact, he still treasured Professor Bigelow’s teaching and good counsel,” Baird says.

The Leffmanns also funded scholarships at the College, and grants to the University of Chicago and Northwestern University to provide hearing aids to patients who could not afford them. After his wife’s death, Mr. Leffmann made a \$4 million gift to Northwestern University to rebuild an art gallery in her honor.

He is survived by his son, Harry, four grandchildren; and three great grandchildren.

Leffmann’s son told the Chicago Tribune that in Leffmann’s later years his grandchildren asked him to write about his life. He did, and in those writings, he told his grandchildren that he believed in “doing things properly and generously.”—C.A.

Adolf Sprudz

Adolf Sprudz, Foreign Law Librarian and Lecturer in Legal Bibliography Emeritus at the Law School, suffered a fatal heart attack Wednesday, February 12, 2003.

Sprudz enjoyed a long and distinguished career as a foreign and international law librarian at the Law School, where he developed one of the premier foreign and international law collections in the United States. He was a leader among a generation of foreign and international law librarians after World War II who were responsible for the collections and expertise that now exist in this country. He worked at Northwestern University Law Library and the University of Illinois Law Library before he came to the Law School in 1965. At that time, the Law School was expanding the foreign law collection for the European Economic Community countries and the international law collection. Sprudz worked with Professor Max Rheinstein to develop an outstanding collection.

In 2001, Sprudz was awarded an honorary doctorate by the Latvian Academy of Sciences, and in 2000, he received the American Association of Law Libraries Marian Gould Gallagher Distinguished Service Award for his lifelong



Adolf Sprudz receiving an honorary doctorate from the Latvian Academy of Sciences, 2001.

accomplishments as a foreign and international law librarian and his publications on the Baltic nations.

Sprudz is survived by his wife Janina Sprudz, four children, and six grandchildren.—J.W.

Leon Morris Liddell

Leon Morris Liddell had a distinguished career as a Law Librarian and Lecturer in Law at the University of Chicago Law School, where he served from 1960 to 1997. Before joining the Law School, he served in the U.S. Army in WWII, continuing his military service as a Lt. Col. in the U.S. Army reserves until 1962. In addition to his lifelong career in education, he endowed law library funds at the University of Chicago and generously supported numerous student scholarship funds throughout his life.—D.F.

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